California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Welfare Reform Revisited

Last Annual Session Adjourns

Reapportionment Plans Still Alive

A Voice for California's Children

Interview With Wilson Riles

The Governor's Lobby

December 1972

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Scopes revisited

The auditorium of the State Resources Building seats more than 300 persons, and it was rather more than filled one day last month when the State Board of Education, whose members were placed judge-like above the multitudes, listened to the testimony of laymen, scientists, and theologians concerning what place God should occupy in the science textbooks made available to the State of California's elementary schools. We edged our way to the tables reserved for the press, which were already crowded with confreres busily pouring over the written testimony to be read as the day droned on. Looking around us, we wondered who might be the Mencken among us, thinking back half a century to the celebrated courtroom battle between William Jennings Bryan and Charles Darrow on whether the theory of evolution could be taught in a high school classroom to confront the charming biblical mythology of the divine origin of man. Although Bryan won the Scopes "Monkey Trial", as it was called in the newspapers of the day, the Darwinian theory of evolution eventually won sufficient acceptance to settle the matter, at least in the domain of public education. But here we were in the curving pre-stressed concrete confines of the modern Resources Auditorium about to run over the same ground again. The dull, acoustically treated walls even lent a hazy sepia tone to the scene, not unlike an old photograph, encouraging a slip from the present into the past.

This air of unreality was heightened by the fact that no theory of origin — divine or evolutionary — is presently discussed in basic science texts for the grade levels under discussion, and that the State Curriculum Commission had just announced that none of its recommended replacement texts do, either. In a way, the commission had indeed given Darwin and divinity equal time, as the *San Francisco Chronicle* was to report the next day, but only in the sense of denying either a place in primary school science instruction. What the commission declared its position to be, simply put, was that religion has no place in the science classroom, whether its spokesman be a theologian or a scientist, and that theories of origin, being unsusceptible to the tests of the scientific method, belong at this point in our evolution in the domain of metaphysics, which is not taught at this level, either.

* * *

The State Board of Education had itself created the controversy three years ago. At the insistence of John R. Ford, a San Diego physician by profession, Seventh Day Adventist by religion and board member by appointment of Governor Ronald Reagan, two paragraphs were forced into the state's specifications for science textbooks over the protest of its advisory body, the curriculum commission, which stated its disagreement in a footnote. (The board had acted unanimously however.) The substance of these two paragraphs is that "creation in scientific terms is not a religious or philosophic belief" and that "some of the scientific data . . . may be best explained by a creation theory". Interestingly enough, no publisher had swallowed the bait and produced textbooks that discuss religious beliefs of ultimate cause at all. Indeed, the commission had reviewed all the proposed texts and found little to fault in them, recommending the change of "only a few sentences" in "about seven percent of the books" — not enough to require repagination — and this, in order to maintain what it called the "neutrality of science".

The final touch of unreality this day was contributed by a member of the curriculum commission, Vernon L. Grose, who confessed himself to be responsible for the present convocation and past vituperation. He delivered what he called "a public apology" for contributing the two paragraphs that the board had forced into the science curriculum specifications. These, he said, "were selected from approximately three pages of material that I had written regarding the need to teach more than one idea about the origin of the universe, life, and man." Standing at the podium before the intently listening audience and facing the expressionless board members above him, Grose, a serious man with a crewcut and a sense of humor, said, "I personally regret all this controversy. As it has developed, it is neither in the best interest of science itself nor of the five million school children in California. It may have clouded the public's understanding of the nature of science and the methods of scientific inquiry while polarizing segments of society that have no reason to be polarized."

It was an eloquent presentation, and drew warm applause and a few amens, but the testimony that followed disputed Grose's contention: there was no lack of reasons for some people's polarization. Scientists talked of the scientific methods; Buddhists and Catholics and Jews agreed that religion has no place in science instruction; and certain protestant sects, Baptists and Seventh Day Adventists prominent among them, argued that evolution is fine as far as it goes but that a divine entity can be better invoked in theorizing on Ultimate Cause than can "chance", which was sometimes described as "two molecules getting together."

* * *

When the testimony was over, the members of the Board of Education adjourned without comment until the December meeting, where their options, as described by Department of Education staff, were to be four: (1) adopt the materials as they are; (2) direct a rewriting of one or more of the basic texts as a condition to adoption; (3) adopt no new texts, in which case the present series, adopted six years ago at a cost of $9 million, would remain in classrooms for at least two more years; or (4) call for new books, which might take a year or more. The last alternative implies a fundamental change in the scope of California's science instruction in the primary grades. Whether it would also mark a reversion to pre-Scopes academic timidity and makes, as Mencken might have put it, monkeys of us all — that, at least, might now be scientifically verifiable.

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Contents

Welfare Reform Revisited 352

Eighteen months ago Governor Reagan began putting into effect his plan to slay the "welfare monster", and it looks like he may have done it.

Executive Agencies Before the Legislature 356

Until recently, state departments and boards went pretty much their own way in dealing with the Legislature, and the Governor went his. But times have changed.

Interview with Wilson Riles 360

The Superintendent of Public Instruction answers questions on early childhood education, desegregation, policing the schools, and other issues.

It's Still Just a Baby, But the Children's Lobby Is Learning Its Legislative Lessons Quickly 364

A coalition of organizations and individuals interested in children's welfare works the capitol corridors and hearing rooms on behalf of "the whole child".

1973 Legislature Has Heavily Democratic Assembly, Evenly Divided Senate 370

The Democrats have a strong Assembly majority for the coming session, but have lost their precarious hold on the Senate.

The Legislature Still Plans to Draw New District Boundaries 371

A Supreme Court deadline of December 31st fails to deter Assembly plans for meeting its obligation to reapportionment itself.

Coordinating Council Gets Proposed Changes in the State's Higher Education Plan 363

Legislature Adjourns Last Annual Session 367

DEPARTMENTS

Newsbriefs 366
California Calendar 372
Supreme Court Decisions 374
People in the News 379
State Government Reports 380
Voting Record 381
Lou Cannon's Letter from Washington 383

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Welfare Reform Revisited

By JEROME EVANS

"In spite of the seemingly endless maze of federal bureaucratic regulations which hamstring and frustrate effective state reforms," Governor Reagan told a national television audience last March, "we in California nonetheless have brought our welfare program back in check. Fifteen months ago, California's welfare system was spawning 40,000 new welfare recipients a month. It was literally out of control, and without drastic action it threatened to bankrupt the state's treasury.

"We began implementing a series of strong actions designed to curb ludicrous abuses of the system in which people earning as high as $16,000 a year were still drawing welfare checks. By tightening eligibility requirements, we were able to get many of these freeloaders off the welfare rolls while increasing by 30 percent the grants to the truly needy, including the aged, disabled, and blind. We adopted plans to crack down much harder on welfare cheaters and to track down absent fathers who, because of nonsupport, had pushed their families onto the rolls. We enacted a law which set up a project to require able-bodied, employable welfare recipients to either seek work, accept a job if offered, take part in job training, or work in selected jobs for their community in return for their welfare grants. If they do not comply, they'll be cut off from welfare.

"Today, there are 182,000 fewer Californians on welfare than there were 10 months ago. Without our reforms, there would now be more than a half-million more Californians drawing welfare than there actually are, at an increased cost to our taxpayers of $1.1 billion dollars this year and next. We've turned the welfare monster around in California, and we're convinced our approach to reform is the right answer to the problem."

This was the message Governor Reagan took east with him one year after he had unveiled his plan for halting rapidly rising state and county welfare costs. It was a message of triumph for him and his administration, and the figures then and now appear to bear him out. In December of 1970, California's welfare rolls had risen to a total of 2,247,516, having nearly doubled in three years, but by March 1972 this figure had not only stopped rising, it had fallen to 2,161,050, and by September the total number of recipients was down to 2,062,411, a reduction of 185,105. Cash grant payments, which had risen from approximately $85 million per month to $160 million per month in the same period, had also stopped rising.

"Merely stopping the previous upward caseload trend would be something to be proud of," said Reagan on October 1st, the first anniversary of the effective date of the Welfare Reform Act of 1971. "The fact that we have been able to roll back the caseload to the extent we have is far more than we could have possibly hoped for." Moreover, said Reagan, California had not resorted to the kind of measures applied by the few other states that had also succeeded in cutting back their welfare costs: a 20 percent across-the-board cut in grants in Kansas, a house-to-house search for nonsupporting fathers in Nevada, termination of grants to families with unemployed fathers in New Jersey. On the contrary, said Reagan, California had not only been able to stop runaway costs but at the same time had increased grants to "truly needy" families by 30 percent.

Caseload reduced

According to administration figures, the total welfare caseload had been reduced by 220,653 between March 1971, when the caseload figure reached its highest point and the month in which the Governor's welfare reform program was submitted to the Legislature, and October 1972. Of this total, the administration said 119,781 could be traced to administrative reforms and 100,872 "have been achieved since passage of the Welfare Reform Act on October 1, 1971", with the implication that the provisions of the new law were largely responsible. Moreover, according to State Welfare Director Robert B. Carleson, in the absence of the administration's reforms, welfare rolls would not have declined but would have increased by as many as 500,000 persons.

If all this is true, then it does indeed represent a major accomplishment for the Reagan administration and for the Governor personally, for it was he who led the drive for welfare reform, staking his leadership on his ability to slay the "welfare monster". In August of 1970, Reagan, anticipating reelection to a second term and deeply concerned about rapidly rising welfare caseloads and costs, appointed a special task force to find out "what's wrong with welfare". Seven months later, in March of 1971, he set forth his answers in what he termed the "lengthiest, most detailed and specific legislative message ever originated by a California Governor" (see *California Journal*, March 1971, p. 60). In general, what he prescribed was the tightening of eligibility standards; closing "all possible legal loopholes that lead to abuse"; strengthening family financial responsibility; requiring "employable" welfare recipients to seek work, enroll in job training, accept a temporary community job, or lose their benefits; and increasing assistance to the "truly needy" by reducing grants to those with other sources of income.

Part of this was to be accomplished administra-

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tively within existing state and federal law and by obtaining from Washington special waivers of federal rules. The greater part required legislation, however, and this meant winning approval from a Legislature controlled by the Democrats. To do so, Reagan and other members of his administration first laid down a heavy barrage of rhetoric in speeches and press conferences up and down the state, a tactic that was obviously intended to rally an irresistible public demand for welfare reform. Then, when his bill bogged down in the Assembly, Reagan entered into the kind of head-to-head negotiations with the Democratic leaders that they had become convinced he would always shun. (See *California Journal*, July-August 1971, p. 192.) The result was the Welfare Reform Act of 1971, described by the Governor as "the most comprehensive [welfare reform] ever attempted anyplace in the United State." Despite several important concessions to the legislators, the new act, he said upon signing it, "contains most of the tools we will need to control growth, reduce abuse, and prosecute fraud. It achieves what we sought from the beginning."

Provisions of the 1971 Law

As signed by the Governor, the new law contained several provisions added at the insistence of legislators: retention of a basic needs standard for Aid to Families with Dependent Children, regular annual cost-of-living increases beginning in 1973-74, authorization for expenditures beyond the budget ceiling if caseloads or average payments exceed estimates, and expansion of child care and family planning services. But from the administration's point of view, the key provisions were those that tightened AFDC eligibility standards, revised AFDC grant schedules, and authorized a long series of anti-fraud measures.

According to Carleson, who had served as a member of Reagan's welfare reform task force before being appointed Director of Social Welfare in February 1971, the administration's primary goal was to halt the growth rate for AFDC caseloads which was then threatening the state and many counties with "economic disaster". Thus, the key provisions of the new law, as well as the administrative actions that were initiated several months earlier, focused on reducing the number of persons coming on the welfare roles, and particularly the AFDC-U (unemployed father) rolls. One of the administration's most significant actions, for example, was a change in the standard for determining when an applicant is considered to be unemployed. The previous state standard allowed a person to be employed part-time for as many as 35 hours per week and still be eligible for aid. The federal standard, month. When the state shifted to the federal standard on July 1 1971, and also required applicants to have been out of work for 30 consecutive days prior to receiving aid, the result was an immediate drop in the number of new AFDC-U cases. (The 30-day waiting period was subsequently invalidated by a superior court.)

The administration was unsuccessful in its effort to get legislative approval for its "equitable apportionment" plan for adjusting grant payments to match available funds, in effect putting a ceiling on welfare expenditures regardless of caseload growth, but it did get approval for a new grant schedule that cut payments to employed recipients (in the AFDC-U category) and increased grants to others with no other

AVERAGE MONTHLY WELFARE CASELOAD COMPARED WITH STATE POPULATION

	Average Monthly Caseload		Civilian	AFDC	Total Caseload
	AFDC	All Categories	Population	%	%
1963	350,390	743,168	17,198,000	2.04	4.32
1964	420,325	831,626	17,714,000	2.37	4.69
1965	535,367	944,524	18,182,000	2.94	5.19
1966	602,664	1,097,037	18,499,000	3.26	5.93
1967	712,618	1,173,911	18,871,000	3.78	6.22
1968	740,099	1,285,804	19,147,000	3.86	6.72
1969	913,219	1,454,150	19,458,000	4.69	7.47
1970	1,141,086	1,736,600	19,690,000	5.79	8.82
1971	1,512,388	2,147,937	19,960,000	7.58	10.76
1972	1,520,400*	2,095,543*	20,200,000	7.53	10.37

*June 1972

source of income — those described by the Governor as the "truly needy". In doing so, the administration openly abandoned an earlier attempt to encourage recipients to move off welfare rolls and into regular employment by maintaining their grants at relatively high levels despite the additional income they receive from their jobs. Carleson and others had become convinced that this policy had failed; rather than encouraging recipients to move off welfare, they believed it had encouraged those with otherwise adequate income to apply for welfare aid. The new grant schedules, which did not go into effect until April of this year, reduced aid for some 100,000 recipients and resulted in the dropping of several thousand from the rolls altogether.

In a related move, the allowance for "work-related expenses" was reduced to a maximum of $50 plus necessary child care costs, and an attempt was made to set a ceiling on the gross income from all sources at 150 percent of the needs standard; anyone with income above that level would be automatically ineligible. The limit on work-related expenses, after a long court fight, is expected to be put into effect soon, but the ceiling on gross income, which requires a waiver from the Secretary of Health, Education, and Welfare seems now to have little chance, judging from the apparent reluctance of federal officials to grant the waiver.

Employables program

In conjunction with its efforts to tighten eligibility standards and reduce payments under AFDC-U, the administration also sought to strengthen employment registration requirements and job search programs to increase the pressure on "employable" recipients to get jobs if there were any available. Under the terms of the new law, all AFDC-U recipients are required to accept employment when offered, enroll in a job training program, or take part-time work in a community work force — or lose their grants. To make these provisions more effective, an "employables" program is being set up in every county, in which all job-search, job-training, and counseling functions are concentrated in the offices of the Department of Human Resources Development. The objective is not simply to require employable AFDC recipients to register for work but to develop effective employment services for them as well. The "employables" program is to be operating in all but the smallest counties by next June.

The most publicized aspect of this effort, however, is the Community Work Experience Program, which Governor Reagan has called "a practical and sensible" way to reduce welfare dependency and which Katherine Jermancy of the California Welfare Rights Organiza-

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tion has described as nothing less than slave labor. CWEP, an experiment in the "workfare" concept that was added, for a time, to President Nixon's unsuccessful welfare reform plan and which is now being tried out in New York and California under a waiver of federal welfare regulations, embodies the concept of the government as the employer of last resort, but on a very small scale. In the six counties in which the program has been established to date, 184 out of 2,707 welfare recipients referred to the HRD-run job program during the four months July through October of this year were placed in CWEP "activities". Recipients assigned to CWEP work only part-time — up to 80 hours a month, leaving 80 hours of normal working hours to seek a regular job — and the jobs involve only temporary work on public service projects that may last several months or only a few days. Those assigned to CWEP are paid only the amount of their welfare grant.

Earnings Clearance System

Another measure to which the administration attaches considerable importance and which is aimed, again, at the AFDC-U caseload, is the Earnings Clearance System, an anti-fraud device for double checking the outside earnings of welfare recipients. The Earnings Clearance System was made possible by a provision in the Welfare Reform Act that gave the Director of Social Welfare Authority to review the quarterly reports of salary and wage payments that employers submit to the Department of Human Resources Development in connection with unemployment insurance contributions and income tax withholding. The purpose of this provision was to make it possible to check the monthly earnings reports that all welfare recipients are required to submit to their county welfare offices against the HRD earnings data to discover whether recipients are actually reporting all their income. (Approximately 20 percent of all recipients report some income, but not enough to disqualify them from all aid.) To do this, the department has set up a computerized search system using the names and social security numbers of registered welfare recipients as the key element. The system follows these principal steps: the counties forward to the department the names and social security numbers of persons who received aid during the three-month period under study; the department then uses the computer to obtain the salaries and wages reported to have been paid these persons by their employers; the department next sends this information back to the counties who compare it with the income reported by the aid recipients themselves; the counties then report back to the department the number of cases in which recipients under-reported their income. The counties are expected to initiate investigations of all cases in which there is a discrepancy of $100 or more.

The department started a trial run in December 1971, but on February 1, 1972, before it could put the system fully into operation, the San Francisco Golden Gate Welfare Rights Organization obtained a temporary restraining order in the Sacramento Superior Court halting the checking of the employers' reports. In late May, the Third District Court of Appeal stayed the superior court order, allowing the state to proceed with development of the system, but it was not until August 1st that the appellate court finally ruled that there is no legal barrier to such checking by the state.

In the interim, however, the department began its first major test of the system, the results of which were announced in mid-November. According to the data gathered in this test, 118,756 of the 678,681 AFDC recipients aged 16 and over who received aid in the last quarter of 1971 also earned some additional income. They earned a total of $74,164,446, an average of about $226 a month. The department then segregated the top 10 percent in earnings for each county, producing a total of 15,215 individuals whose employer's records indicated earnings of $533 or more per month. By mid-November, the department had received reports indicating that a little more than half of these persons, 7,999, received welfare aid during the three months under study, and, among these, the counties had found "substantial unexplained discrepancies" in the income reported in 3,311, or 41 percent, of these cases. Carleson contends that this is only "the tip of the iceberg", that the first cases examined in this test run were those of recipients who made little or no effort to conceal their earnings, so that the incidence of "apparent fraud" may be even higher as the system is extended to cover all recipients. A study which his staff made earlier in San Francisco, he points out, uncovered discrepancies in reported income in 88 percent of 478 cases in which the recipients earned $533 or more per month. This check revealed, Carleson says, that approximately half of these recipients' income had gone unreported. (It may also help to destroy the myth that welfare recipients are too lazy to work, he says, with appreciation for the irony of the observation.)

But Carleson also says it is the potential deterrent effect of the system that is most important to the administration. In most cases it will be difficult to recover overpayments to recipients whose income was not fully reported — which could happen for a number of reasons apart from intentional deception — but the sure knowledge that their reported earnings will be checked against their actual earnings is expected to produce much more accurate reporting by the recipients themselves. This, of course, is the reason why the administration has given the system considerable publicity.

Projected savings

When he submitted his 1971-72 budget in January of 1971, Governor Reagan proposed savings of $220 million in state costs for welfare payments. In March, when he unveiled his plan in detail, the savings estimate ranged from $201 million to $283 million for the state and from $74 million to $148 million for the counties (see *California Journal*, March 1971, p. 62). By the time the Welfare Reform Act was passed in August, however, the administration's estimate of annual savings had been revised downward to $59.5 million from the legislative changes ($72.8 million before the added costs of work and child care programs) and $18.5 million from administrative changes, for a total of $78 million in net savings to the state. On this basis, the administration submitted a 1972-73 budget of $647.7 million in state funding for welfare cash grants, an increase of only $113,400, or .02 percent, over estimated expenditures for 1970-71. AFDC payments were expected to increase by only $15.4 million, to be almost entirely offset by a reduction of $15.3 million in OAS, AB, APSB, and ATD aid (aid to the aged, blind and disabled) due to a drop of $40.8 million in ATD costs, as a result of shifting to a 50-50 state-county sharing of nonfederal costs.

This budget estimate was challenged by Legislative

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Principal Provisions of the 1971 Welfare Reform Act

1. *AFDC grant schedule.* Eliminated confusing "maximum participating base" and set up a flat grant schedule adjusted to family size, with provision for annual cost-of-living increases beginning 1973-74. The new schedule raised grants to recipients with no other income and reduced grants to those with other income. (In effect.)

2. *Gross income limit.* Subject to federal approval, made any AFDC applicant with gross income equal to 150 percent of the need standard ineligible for assistance. (Approval has not been received.)

3. *Work expenses.* Set a ceiling of $50, plus necessary child care costs, on allowable income exemptions for work-related expenses of employed AFDC recipients. (Awaiting final court action.)

4. *Special needs.* Eliminated state payments for special needs that are not common to the majority of welfare recipients. (In effect.)

5. *Verification of eligibility.* Verification of eligibility of applicants for immediate assistance must be made within five working days; if not, the county must bear the full cost of the payment to the applicant. (In effect)

6. *Exemption.* Set maximum values for personal property exempted in determining an applicant's eligibility. Reduced exemptions that can be claimed for "lump-sum" income and "casual and inconsequential" income. (In effect.)

7. *Responsible relatives.* Substantially increased required contributions of relatives of OAS beneficiaries, subject to administrative reduction by Social Welfare Director. (Awaiting final court action.)

8. *Absent fathers and stepfathers.* Authorized attachment of wages and property liens against absent parents of AFDC children and provided for payment to counties of part of state's share of delinquent contributions collected from absent parents. Required that a wife's community property interest in her husband's income be used to support her children by a previous marriage, but deducted his prior support liability and $300 per month before determining her interest. (Partially in effect.)

9. *Eligibility checking.* Permitted Director of Social Welfare to examine employment tax reports to verify entitlements of employed grant recipients and to release lists of applicants and recipients to other public agencies to verify eligibility. (In effect.)

10. *Grant sharing.* Provided that the state and counties share aid to the disabled payments equally and that, effective July 1, 1972, the state take over full cost of all other "adult" assistance categories (OAS, AB, APSB).

11. *Administrative cost sharing.* Required state to pay 50 percent of administrative costs for eligibility and grant level determinations, and transferred all responsibility for these functions to the state, allowing the state to contract with the counties to carry them out.

12. *Employment programs.* Appropriated $2 million to increase WIN public service jobs and $7 million to enable the State Personnel Board to increase job opportunities in state and local government. Provided for the termination of AFDC grants to employable recipients who refuse to accept work, work training, or participation in a community work force.

13. *Day Care.* Appropriated $3 million to expand child care services and required every county to establish a day care center.

14. *Family planning.* Appropriated $1 million to assure provision of family planning services to all former, present, and potential AFDC recipients of childbearing age.

Analyst A. Alan Post, who had contended all along that the administration's savings estimates were too high. According to preliminary estimates prepared by Post's staff, AFDC-FG (family groups) and AFDC-U caseloads were likely to average 1,500,000 and 278,000 per month in 1972-73, requiring $28 million more in state funds than provided in the Governor's Budget, and aid in the adult categories was under-budgeted by $17.6 million. Moreover, Post said, delays in implementing the new reform law, largely because of a long series of court challenges initiated by welfare rights groups, were very likely to transform the administration's planned savings into increased costs. The Analyst's figures were presented as "somewhat tentative", pending caseload data to be reported in April and May, but his general position was quite clear.

The 1972-73 fiscal year is less than half over, but it now seems certain that Post's early estimate was wrong and the Department of Social Welfare's was right. If anything, the department's budget request for grant payments may prove to be high.

Much of Post's apparent pessimism about the administration's promised savings reflected skepticism as to the actual impact many of the proposed reforms would have on steadily rising caseloads. (Carleson now says, however, that the department's estimates were "conservative". "I knew then that we could reduce the AFDC caseload," he said in a recent interview, "but we felt then that all we could promise was a flattening of the growth rate.") But the Analyst's estimates also took into account the fact that by December 1971 nearly every major provision of the new act was under class action challenge in the courts, and in several cases the plaintiffs had obtained temporary restraining orders or injunctions blocking implementation (see *California Journal*, October 1971, page 270). Among the provisions challenged were those establishing the new flat grant schedule, tightening eligibility standards, setting a standard allowance for work-related experience, and permitting the Director of Social Welfare to check employers' salary reports.

Altogether, department records show that 12 of the act's 84 sections were challenged in 15 class action lawsuits filed by welfare rights groups and legal aid societies. (There were several challenges to the department's changes in administrative regulations also.) Yet the department can now claim that it has lost only one of the nine cases that have gone to final judgment, that dealing with residency requirements in counties

(Continued on page 375)

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"The State's Biggest Lobbyist"

Executive Agencies Before the Legislature

BY BRUCE KEPPEL

Three sets of folders line the shelves of a long, narrow closet in the north end of the Office of the Governor Some are yellow, others are blue, and the rest are plain manila folders. The yellow folders contain Assembly bills, the blue folders Senate bills, and in the plain folders are proposals from state agencies for legislation that their various departments and boards want approved for introduction by a legislator. These folders record the administration's interest in every piece of legislation introduced, and how it stands — for, against, or neutral — on each. In that sense, the closet represents the Governor's lobbying operation, which extends out through the four agencies and into the 30-odd departments and boards that they administer. The folders it contains are the legislative intelligence used by Governor Ronald Reagan's Legislative Secretary, William A. Evans, in his dealings with the Legislature. Evans' staff members, two of whom are civil servants, think of themselves as a "low-profile outfit". The profile may be low, but it is here, nonetheless, that the legislative aims of all the state's departments are coordinated so that the administration speaks to the Legislature with but one voice.

The system itself was a brainchild of the administration that preceded Reagan's, that of Governor Edmund G. Brown. It was adopted by the Reagan administration, and has been refined to the point that one can now hear the criticism that it goes beyond coordination to stifle significant dissent within the departments. Whatever the merit of this charge — and it is disputed even by some who are not close allies of Reagan — the fact is that today the Governor fields a relatively well-disciplined lobbying force (see the administration's roster of "legislative coordinators" on page 358). These "coordinators" are agency and departmental personnel who draw upon their organizations' resources, including scores of specialists and technicians, to present the administration's position before the Legislature, then follow up by "working the halls" in the time-honored lobbyist tradition to try to get the needed votes at the right place at the right time.

Contrast with the past

The criticism that such coordination stifles departmental dissent remains a possibility, it is conceded even within the Governor's Office. But it must be weighed against the contrasting situation of only a few years back, when departments were left pretty much to their own devices, under no effective political control. This situation became intolerable for Governor Brown in his push to win legislative approval for the California Water Plan during the first years of his administration. Several departments having related but conflicting interests in the matter were prone to air those differences publicly. This was not unexpected in a project of this magnitude, of course, and such behavior had often been tolerated in the past. In this case, however, the spectacle of two departments battling toe-to-toe before a legislative committee was more than Brown was willing to accept; the administration had too much at stake to risk losing the Water Plan in this way. Such public bickering not only weakened the administration's case before the Legislature, Brown's chief aide, Frank Mesplé, recalls, but also left legislators baffled and angry. This took its toll in Brown's second term. "It was sweetness and light when we came in in 1959," Mesplé says, "but by the second term unity had frayed, and the role of Legislative Secretary in 1965 was a lot different from what it was in 1959. You tried to save what you could."

Executive branch reorganization

At that time, no institution stood between the Governor and his appointed departmental directors to work out the conservation and recreation concerns of the one department, say, against the resource concerns of the other. The experience of those first years helped to bring about a reorganization of the executive branch of state government in 1961, in which eight "super agencies" were created (later reduced to four under Reagan), to manage the departments, boards, and commissions with related interests. The agency administrators had the responsibility, according to the *1961 California Blue Book*, "to develop and report to the Governor long-range, coordinated plans and programs on legislative, budgetary, and administrative matters related to their agencies". These eight new agency administrators also constituted the first Governor's Cabinet, which was created, the *Blue Book* continues, "to assist the Governor in planning, directing, coordinating, and evaluating the operations of state departments", and Mesplé was appointed as the first Cabinet Secretary.

With the new agency organization and the cabinet that it made possible, the Governor now had the means to draw his administration — most of the executive branch of government — together under his direct control. What was missing was a plan for coordinating departmental legislative aims before they surfaced as

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competing bills or conflicting testimony before legislative committees. For that, Mesplé recalls, Brown turned to the Department of Finance, which for years had monitored all legislation with fiscal implications and directed testimony on all appropriation and taxation measures. The civil servant responsible for tracking bills for the department was Gino Lera, whom Mesplé brought into the Governor's Office to help do the same job for the entire administration.

Mesplé and Lera eventually worked out an informal plan for accomplishing the goal of administrative unity, although only its initial steps could be carried out in the remaining years of the Brown administration. Thus, by 1966, all departments were required to inform the Governor's Office, via a standardized memorandum, of their views on pending legislation, and the fundamental idea was established, as Lera describes it, "that everything funnels through the Governor's Office".

It was understood from the start, however, that a number of significant sections of the executive branch of government would remain outside this system. These were the other offices filled by statewide election — Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, the Board of Equalization, and the Superintendent of Public Instruction, who heads the State Department of Education. Also outside the system were the Regents of the University of California, the State College Trustees, the Coordinating Council for Higher Education, and, once it was established in 1968, the Board of Governors of the California Community Colleges. A voluntary system of legislative coordination was extended to these independent offices, based upon mutual interest, but for the agencies and the departments under them, there was no choice.

Tightening control

Ronald Reagan's resounding defeat of Governor Brown in 1966 provided an opportunity for further centralizing this control as a new team of administrators took the field. The incoming planners were interested in what Mesplé and Lera had begun, and they carried Lera and attorney Robert Williams, also a civil servant, over into their regime with instructions to move ahead in implementing a system to assure executive unity. Lera compiled the procedures that had been adopted by the end of the Brown administration, refined some of them and added others. The result was the first institutionalization of an administration's lobbying in the form of a *Legislative Manual* that is now a thick binder full of mimeographed instructions detailing the steps that the agencies and the departments and boards under them must take in dealing with legislation and the Legislature, from drafting legislative proposals, to testifying before committees on pending bills and lobbying for and against measures on which the administration has taken a stand.

Structurally, the system of legislative coordination parallels the cabinet's administrative structure. Each agency secretary (as the former agency administrators are now called) has a legislative coordinator, whose actual title is usually that of assistant to the secretary. The agency's departments and boards also designate legislative coordinators, who are often assistant directors but sometimes departmental counsels or executive secretaries of boards. These are the agency coordinator's fingers into the operating elements of the administration (a painful image to some of the more independent subordinates). All legislative proposals originating within the departments and boards now must follow this vertical structure, through departmental channels to the agency level. Most of the conflicts between departments, such as bedeviled previous administrations, are resolved at this point; those that aren't are bucked up to the Cabinet for reconciliation or arbitration. Approval from the Governor's Office is required before clearance is given to find an author to introduce the legislation.

Legislation originating outside the administration and amendments to all bills are farmed out for analysis by the Governor's Legislative Secretary to the agencies and departments. They have 20 days from a bill's introduction to return their analyses, which are written on a standardized form that is now color-coded by agency, and a recommended administration position: support, oppose, or neutral. Bill analyses, as they are received, are placed into one of the yellow or blue folders, depending on their house of origin, and these are reviewed by the Legislative Secretary's staff, which approves or disapproves the suggested positions on the basis of their compatibility with the Governor's known views. In "about 5 percent" of the cases, Lera estimates, additional meetings are required with the agencies involved to reconcile differences, and in only a handful of these must the cabinet, or the Governor personally, be involved.

Lobbying begins

Once a position to support or oppose has been taken, plans are made for pursuing the administration's legislative goal. The four agency legislative coordinators meet with Legislative Secretary Evans, his assistants, and one or two other members of the Governor's staff at least weekly during the legislative session to review pending legislation and to plan their tactics. Among other things, they must decide who is going to be called upon, through their network of departmental legislative coordinators, to testify before the legislative com-

Legislative Coordinators for the Other Constitutional Officers

Each elected state officer designates a top aide to coordinate legislative relations. This is true, too, of the Board of Equalization, whose members are elected from four districts. Those designated to work with the Legislature are listed below:

Lieutenant Governor — Because of his close relationship to the Governor and a recently trimmed staff, most of the Lieutenant Governor's legislative relations are handled through the Governor's Office.

Secretary of State — Richard L. Maullin, Deputy Secretary of State.

Attorney General — Jan E. Stevens, assistant attorney general.

Superintendent of Public Instruction (Department of Education) — Harvey K. Hunt, legislative coordinator.

Treasurer — Robert Rousek, assistant state treasurer.

Controller — Kirk West, chief deputy controller.

Equalization — Lawrence Augusta, board counsel and legislative liaison.

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A Roster of the Governor's Lobbyists

The Governor's system of lobbyists is centralized in the office of his Legislative Secretary, William A. Evans, and his assistant Tim Cole. Their principal contacts are with the "legislative coordinators" designated by each agency secretary. These coordinators meet regularly with Evans and have responsibility for seeing that administration policy is carried out by the departments and boards through the following network of departmental coordinators (grouped by agency).

AGENCIES

Business & Transportation Agency: Larry A. Thelen, asst. to secretary, legislative and legal affairs

Resources Agency: Norman Hill, special asst. to secretary

Health & Welfare Agency: Barry Whittlesee, asst. to secretary, legislation

Agriculture & Services Agency: Donna Townsand, asst. to secretary*

DEPARTMENTS AND BOARDS

Aeronautics: Gerald Barbar

Alcoholic Beverages Control: Kenneth Byers

Banking: James F. Carrig

Corporations: Carlyle R. Brakensiek

Highway Patrol: Capt. Lloyd E. Sellers

Housing & Urban Community Development: Wardell A. Connerly

Insurance: Leo M. Hirsch

Motor Vehicles: Leonard M. Bleier

Public Works: Emerson Rhyner, Heinz Heckeroth

Real Estate: John E. Hemple & Donald M. Tallman

Savings & Loan: Saul Perlis

Conservation: Edward N. Gladish

Fish & Game: E. C. Fullerton

Navigation & Ocean Development: Dennis Letl

Parks & Recreation: Robert Myer

Water Resources: James M. Carl

Air Resources Board: William Simmons

Colorado River Board: Harold F. Pellegrin

Reclamation Board: Alan I. Wendroff

Water Resources Control Board: Luther Gulick

Fish & Game Commission: Leslie F. Edgerton

Adult Authority: Joseph A. Spangler

Corrections: Walter L. Barkdull

Health-Care: Mary Jane Gerber (coordination) & David W. Mitchell (legislative contact)

Mental Hygiene: Barbara Calais

Public Health: Ronald W. Britting

Rehabilitation: M. O. Slater

Social Welfare: Philip J. Manriquez

Youth Authority: Arthur D. Nettles

Commission on Aging: *David* E. Baxter

Agriculture: Donald Weinland

Consumer Affairs: William Andrus

Fire Marshal: Donald Truhett

General Services: James Burge

Veterans Affairs: Jack Keppel

Industrial Relations: Rupert Pedrin

Commerce: Irene A. Phillips

Franchise Tax Board: Tom Muraki**

Personnel Board: Kay Sharpe**

Public Employees Retirement System: Lloyd Graybill**

Teachers' Retirement System: Michael N. Thome**

* A civil servant not involved in policy-making.
**These independent bodies cooperate voluntarily, and are placed in the agency for administrative reasons.

mittees and when the administration's position needs to be reconsidered. If the administration has taken no position on a bill, the appropriate staff members are instructed, according to the manual, to comply "promptly and fully" with requests for information. It is on this point, incidentally, that the administration leans heavily to support its contention that the free flow of information from the executive branch to the legislative has not been restricted in the quest for administration unity. In practice, however, legislative staff sometimes find that requests for factual data in politically volatile areas — social welfare is commonly mentioned — are referred for clearance at a higher level.

The new system has brought with it one unmixed blessing: the consolidation of all nonsubstantive legislation into single bills drafted directly by the Legislative Counsel as "maintenance-of-the-code" measures. These purely technical bills are excluded from the funnel running into the Governor's Office. Previously, each of scores of changes in a given code was introduced as a separate bill. The new procedure, Lera estimates, has cut the number of bills generated by the departments by about a third, to approximately 500 each session.

Lobbying techniques

As public employees, the members of the Governor's lobby do not have expense accounts with which to entertain legislators. That is, however, their only disadvantage. (And in the case of some special-funded boards and departments, this can be overcome if the state lobbyists — those in Public Works are often cited — maintain close links with related powerful private lobbyists.)

The Governor himself enjoys the considerable advantage, in his dealings with the Legislature, of representing all the citizens of the state. This statewide constituency assures widespread coverage of what he says and does, which gives the office a direct influence on public opinion that no legislator, even a legislative leader, can hope to match. While it is hard to put a precise value on it, the Governor's role as party leader and fund-raiser also serves as a deterrent to wavering partisans. Dealing with members of the opposition is something else, of course, and the approach of a given chief executive will be dictated, in part at least, by what he needs from the Legislature in terms of program. In the case of Brown, for example, who campaigned on a platform built on new state programs, the Governor was forced to bargain frequently with legislative leaders who, in a real sense, would help determine his administration's success. Under Reagan, who campaigned in 1966 against state spending and for reform in welfare administration and governmental organization, the Governor needed less from legislators than they needed from him. An example of the effect that this difference in approach can have is provided by the letters a governor must write, until his budget bill is enacted, to justify as an emergency measure any bill involving an appropriation. Reagan, his aides es-

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timate, writes "about 5 percent" of the number of such letters formerly written. This cutback reflects his relatively slight need to bargain (as opposed to his political need to cut spending); it also provides leverage for gaining passage of his budget (by including in it the sought-after appropriations the Governor can accept). Whether or not to write these letters, incidentally, is determined by the same legislative-monitoring procedure that bills normally follow.

Finally, of course, there is the Governor's veto, or, more precisely, the threat of veto, which can be valuable in obtaining a bill that the Governor will agree to sign. Of Reagan's effectiveness in wielding this ultimate lobbying weapon, no less an informed observer than his predecessor, Governor Brown, willingly declares his admiration (and concludes his own review of gubernatorial lobbying tools with the comment that "you pack a great big stick").

Mesplé, himself a lobbyist now for Sacramento County, notes that a lot of room for plain "jawboning" exists between the cruder forms of executive leverage. This can mean, for example, nothing more than using the Governor's time, inviting legislators to the mansion for breakfast or dinner, for example, as Brown commonly did, or to the office for lunch, which Reagan has been known to do. In either case, an opportunity is created for relaxed discussion of respective positions. It may also mean, Mesplé continues, that the Governor's representative in the halls — Evans, his assistant Tim Cole, or one of the approved agency or departmental lobbyists — simply convinces the lawmaker "that this is a good vote, it can't hurt you."

Legislative vulnerability?

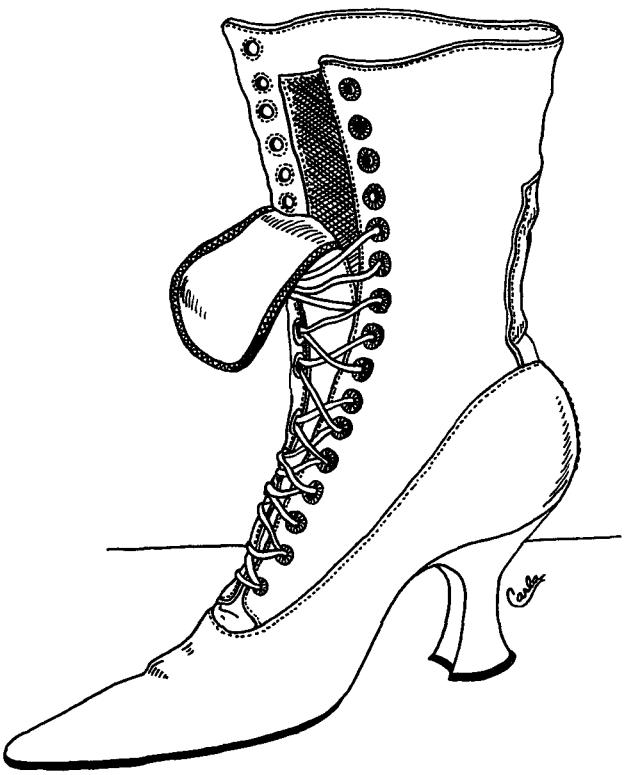
To those who are most familiar with the legislative process, the way in which the Governor's lobby is organized simply makes good sense. "The Governor is the biggest lobbyist in the state, and these are his troops," former Assembly Speaker Jess Unruh says, with some surprise that anyone could quarrel with the chief executive's right to play the toughest possible political game. Legislative Analyst A. Alan Post tends to agree. "You've got to balance the virtues [of administrative coordination] against the practice in the old days," he says. "Certainly, it is politically desirable, since the Governor is an elected official, to make the departments responsive to his leadership. The executive is already fragmented with the other state officers, and the Governor needs fairly strong machinery if he is to have a chance to avoid the emasculation of his program." Some independent-minded department heads with friends in the Legislature and aims at variance with the administrations still manage to "run around end" on occasion, he observes. Post concedes that he, too, has encountered some difficulties in obtaining data from certain administration departments, but in this he blames the individual administrator rather than the system. "Conceptually, the chief executive has the responsibility for setting policy," he says. The Assembly's Director of Research, James A. Lane, similarly does not regret the lack of public departmental feuding. "It's not the role of bureaucrats to debate public policy," he says; their job is to carry it out.

That is not to say, however, that no proposal has been made to assure a reasonably fair balance between the legislative and executive branches. One means of exerting some legislative control over state lobbyists was contained in AB 2119 (Quimby), which failed to reach the floor of the Assembly this session. Among other things, it would have required "any person who receives $300 or more in a calendar quarter . . . for the purpose of influencing legislation by direct communication" to register as a legislative advocate and report lobbying expenses, even if only a percentage of a state salary. State lobbyists are now specifically excluded from registering with the Joint Committee on Rules, though those for local and regional governmental entities must, along with private-interest lobbyists (see *California Journal*, August 1972).

Test of the lame duck

The real test of Governor Reagan's systematic approach to strengthening his role as lobbyist will likely come in the remaining two years of his administration (assuming he sticks to his stated intention not to run for a third term), a time when Governors historically find their relations with the Legislature deteriorating rapidly. This is true within the Governor's own office as well as among the agencies and departments that make up the administration. One close observer of the Governor's Office already notes the rise of some ranking officials "who see themselves as deputy Governors" and "legislative experts" who want to try their hand at lobbying strategy as well as policy-making; once-disciplined departments, alert to any strains at the center of operations, grow restless and revert to their old ways, pursuing their own legislative aims in what Post calls "an underground way".

Against these human foibles stands that closet with the yellow and blue folders, the symbol of the system spelled out in the *Legislative Manual* for strengthening a Governor's ability to make his mark on government. If the system can be held together through the end of Reagan's term, it will indeed be proven to be a powerful instrument. If not, if it fails the Governor when the going gets toughest, then it may simply provide more evidence that no administrative device is strong enough to deny the ambitions of those it would control.



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Wilson Riles: "Schools need support, people want them supported, and our challenge is to see that a good job is done."

State Superintendent of Public Instruction Wilson Riles, elected in 1970, is the first black constitutional officer in the state's history. This interview was excerpted from "State Capitol", which appeared on KOVR-TV in Sacramento on December 3rd. The interviewers were James Mitchell, KOVR correspondent, and Jerome Evans, Associate Editor of the Journal.

Question: Dr. Riles, President Nixon has selected Caspar Weinberger as his Secretary of Health, Education, and Welfare. Mr. Weinberger is noted for being a budget-cutter. What effect do you think this appointment will have on federal spending for education in California?

Dr. Wilson Riles: Well, I'm not sure what will happen. Cap Weinberger is a top administrator; he does believe in prudence in spending, and that may portend a belt-tightening. On the other hand, I'm pleased with the appointment because I know Cap Weinberger personally; I've had a chance to work with him on some of our programs when he was head of the Department of Finance in this state; and I believe that our communication, at least, will be good, and I'm pleased, overall, with the appointment.

Question: It's becoming increasingly popular among some writers and researchers to say that the schools really don't have all that much effect on children, particularly as to giving them equal opportunities, in reality. How do you feel about that thought?

Riles: Well, many of the writers and intellectuals like, I presume, to spend their time shocking people and coming up with this idea and that idea. The fact of the matter is that money alone will not assure quality education, but this is true in any occupation, any endeavor. The reverse of that, though, is that if you do not have the proper resources, you can't do the job. I think when we build into a program some goals and objectives so that everyone knows what they are about and buy the proper resources and then evaluate to see how well the job is done, then we begin to get cost-effective. And my feedback is that parents want quality schools, they want good schools, they want their children to learn, and they are willing to pay for it. I can't really understand those individuals who feel that the schools should not have support. I know that the schools need support, people want them to be supported, and our challenge as school people is to see that a good job is done.

Question: Yet the popular argument now is, and I think Cap Weinberger, among others, has repeated this, that 80-85 percent of school funds go to teachers and administrators. By increasing those funds, the implication is, you simply make those people richer.

Riles: I have yet to see a rich school teacher or at least one that acquired his wealth from teaching school. That's one thing. The other part of it — the truth is that 80 percent of school costs do go into personnel, and that's the way it should be. Because if you are able to have the teachers, the personnel that are sensitive and skilled and care about children, then children will respond and learn. You can't do it with equipment. Someone said a long time ago they would rather have Mark Hopkins on one end of a log and a student on the other and then you would get good education. I think that's where we have to put our resources, and then do whatever we can to upgrade the quality of instruction that the teachers are able to give.

Question: Dr. Riles, this week the Governor signed the Early Childhood Education Bill on which you and your staff have worked very hard for over a year. What are the principal elements of this bill, and why do you attach so much importance to it?

Riles: Well, I feel that this is the most dramatic achievement in education in California in the last 25 years, and not only in California, in the nation. The chief purpose of this bill is to really revitalize and restructure the early primary grades to do those kinds of things that we know work, to get parents involved in the program as a team with teachers, to lower the pupil-teacher ratio so that we can give individual instruction to youngsters, to evaluate programs, to allow planning at the local level, and to have some assurance that by the time a child finishes the third grade he will be reading and computing and, hopefully, excited about school and ready to go on. While I am very enthusiastic about it, I believe it's going to work well, and we're going to see some dramatic changes in the schools.

Question: The public schools have often been accused by parents, in particular, of being secretive in their operations. How are you going to bring the people who are running the schools around to this new way of thinking?

Riles: Well, this is built into the law and into the guidelines. The time is over now for the teacher or the schools to do their thing and keep the parents out of it. As a matter of fact, the plans do require that not only in the planning of the program, but in the operation of the program, the evaluation of the program, parents must be involved in all of that. Now, how do we get this done? I think it will be done. Those who do not include this in their plans will find themselves not being able

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to get into the program and not being able to use the money. It's going to require some changes in attitudes and techniques. But the feedback I get around the state is that school people, as well as parents, are enthusiastic about getting into the program.

Question: The program originally included classes for 4-year-olds, didn't it?

Riles: That is correct.

Question: What happened to that?

Riles: Well, as a matter of fact, that ran into some opposition; and some of the opposition was ill-founded, because I feel that poor parents, many of them, have head start programs for four-year-olds, and I think most affluent parents have their children in nursery schools. I included that in the proposal because I think it's about time that ordinary parents, those who are neither rich nor poor, should have the option. But we couldn't get it through. It amounted to more expense. But the real reason I didn't push for this was because the question was raised: if you're really going to restructure the primary grades, why not begin that change and revitalization before you start feeding 4-year-olds in? And I think that's a good argument. This gives us a chance for two or three years to get the real meat of the program underway, and then we will go back if it seems advisable to work with the 4-year-olds. But whether we get the 4-year-old or not, I think that this program really is a dramatic one; and it will make a difference.

Question: You have said that within five years most of the state's secondary and elementary school children will be going to school year-around. Do you still believe this?

Riles: I could have been a little optimistic about the change. I based my statement on the fact that it makes sense, it's logical. It's difficult for me to justify closing school buildings three months out of the year. No other business or enterprise I know of engages in that kind of activity. Take the airlines, if they would put a 747 in the hanger for three months out of the year, they couldn't make it. Our system of education developed at a time when this was an agricultural economy, and the children had to stay at home to plant and harvest crops. That's no longer true.

There are sixteen districts that have gone into the program this year. They are very successful, and I think if the word gets around districts will opt to do this.

Question: But do you still think that this will reduce the cost of education without reducing the quality of education?

Riles: Well, the evidence we have is yes, and I speak now of the elementary and junior high school level. We only have one experiment going on at the high school level, and that is in Elk Grove. But at the elementary and junior high school level, yes. Number one, if you'll look at capital outlay, with the proper program — and the most popular is the 45-15 plan, where throughout the year students are in school 45 days, and then on vacation for 15 days — you are able to save on construction costs, you are able to keep class sizes in order, and the students love it. It's only the parents and the teachers that must be convinced about this.

Question: There seems to be some chance, Dr. Riles, that, because of actions taken in Washington recently, the action of the voters here in California on the school-assignment proposition, and some of the actions recently by local school boards, you may find yourself presiding over the demise of desegration in California. Is there a chance of this, and, if so, how do you react?

Riles: Well, I really can't see where the passage of Proposition 21 will really do anything fundamental about it. In the first place, the people I've talked to say that it's unconstitutional, at least the pupil-assignment part of it. Secondly, I haven't seen a lot of integration going on in California anyhow.

I do believe that we can stop, somehow bring to a halt, people shouting at each other and the whole emotional feeling about busing and so on, and get back to considering quality education, good schools, for all children. And then, thinking in terms of how best do you integrate, it usually hangs up on you either bus the kids to get some kind of balance or you do nothing. Well, there's a wide range of things that one can do, and I think that perhaps this is an opportunity to look at them, because the objective here is to help, as far as the schools can help, to build the kind of society where youngsters are working together and learning together so that they can function in the society tomorrow.

The other side of this is one that I've long felt that people have completely ignored, and that is that it is not the schools' responsibility alone to solve these problems. It's about time that people are employed, get jobs, are able to buy homes, have options of moving where they wish. And so I think someone else has to deal with this, and not try to have the children do what the parents ought to be doing.

Question: You've been under some pressure from the Mexican-American community to improve schools in Mexican-American districts. What have you been able to do in this regard, and what do you have planned?

Riles: There's some misunderstanding on that; our our communications broke down. The people who were shouting didn't really know what was going on. We've done a number of things, including appointing a task force to really take a comprehensive look at the problems that Mexican-American children have, and come up with a recommendation of what to do about it. The task force has reported, and in the meantime we supported legislation that has been signed, bringing in $5 million over a three-year period to deal with bilingual problems. We, of course, have included on our staff Mexican-American educators of high quality; we're not just saying that they should deal with Mexican-Americans, but they are top educators, and they are helping us out on the program.

All in all, my approach to this whole problem is to recognize what are their specific problems, as in this case, and do whatever we can about them. And at the

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same time, if we can do a good job for all children, on an individual basis, then the poor, the blacks, the Mexican-Americans, the whites, whoever it is, will get an improvement in education. Early childhood education, for example, is designed to do that. It will be individualized instruction, and the children's needs, whatever those needs are, will be met. I believe that as this becomes known and as these programs begin to work, the whole society will be happy with it.

Question: You also have under way, I understand, the reorganization of special-education programs around the state, programs for children with particular mental and physical problems. What exactly are you trying to accomplish in that area?

Riles: We have had an excellent special education program for at least 15 years, and it's reputed to be one of the best in the country. But we felt it was time to take a look at it. Sometimes it's too easy to rest on your laurels. We expect to have a report on this within a matter of a month or two, and then we will go before the board to make recommendations.

Some youngsters, we found, are not being served who ought to be served. We found a lot of fragmentation, and we found a lot of segregation of handicapped youngsters. We are beginning to look at how we can bring them into the classroom and give them the kind of instruction they need, rather than setting them off to the side. It's these kinds of modes of operation that we're looking at.

Question: We're seeing what appears to be quite a substantial crime rate in the junior and senior high schools in the state. How serious do you think this situation is?

Riles: I think it's too serious. We're working on that now and getting some information and data. So far as I'm concerned, if one child, just one child, is injured or killed in a high school situation, that's one too many. I have assigned four people full-time to work on this problem of conflict resolution.

I realize, and I think most people who think about it realize, that this problem was not created by the schools. It's a community problem, but as soon as we get the youngsters in the schools, it's reflected in the schools. So we've tried to take the leadership here to bring community people together — the parents, police, and so on — to see how we can together find the causes, and then come up with some answers to the problem. I refuse to go into any simplistic solutions to this problem.

Question: The first reaction always seems to be to fortify the schools. Is this any help in most cases?

Riles: No, I don't think that's the answer. If that were the answer, we could soon solve the problem if we could hire enough security guards. But I have seen some programs in the state that are working that I think suggest what might be done, and that is, getting together with the students involved — in other words, beginning to view the students not as the source of the problem but as a possible solution to the problem — and to get their parents involved. I think if we work together we can solve this.

The problem is all over the state. Some people have gotten the idea that it's only in central city ghetto schools. Well, it's happening in places I've never heard of, and I just felt we couldn't just keep burying our head in the sand on this issue.

Question: But you did suggest recently, I think, the use of campus passes and possibly semi-professional guards.

Riles: Well, we threw out some ideas at a workshop that we had — for two hundred people, by the way, down in Los Angeles — we threw out some ideas that we had seen that had been tried. The question comes up, how do you control out-of-school youth who are hanging around the campus, harassing people? Perhaps one way would be to have some kind of pass or identification for students. I don't know, but I'd like to see this tried. Another possibility might be the use of parents in the classroom. Some schools have used them as hall monitors.

But the main thing is how can you get the students together. You see, we seldom ask the students, "What's happening here, and how do you suggest we deal with it?" Well, the youngsters I've talked to have some very definite ideas about how to deal with it. I think we can begin to solve this problem, but it's going to take everyone in the community and if people look back and say, "Well, the schools are going to have to solve this", it's not going to happen that way. All of us together will solve it, if it's going to be solved.

I don't like to point fingers at parents or point fingers at anybody. I've talked to parents. They go through great trauma. They don't give their youngsters guns to go to school with. They don't tell their youngsters to extort money from others. But it's going on. And so, how do you solve it? You get parents together with school officials, with teachers, with students and say, "Look, we have a problem here, let's solve it together." What I'm arguing for is not to assess blame. We are all responsible for this, and if we approach it together we can deal with it.

State seeks greater control of war on poverty

Governor Ronald Reagan asked Phillip Sanchez, director of the federal Office of Economic Opportunity, for authority to assume primary control over federal funding for the 42 community-action agencies and 72 related local poverty programs. The Governor has asked the state OEO director, Robert B. Hawkins Jr., to draw up a California State Variation Plan for implementation by next March 1st. Under the federal poverty program, governors now can review local uses of federal funds and veto them if they find them improper, as Reagan has done on several occasions, notably with the appropriation two years ago for California Rural Legal Assistance.

In his letter to Sanchez, Reagan said the California Community Action Agencies, the League of California Cities, and the County Supervisors Association of California will be consulted in developing the plan. It is needed, Hawkins explained at a news conference November 20th, because the Community Action Agencies operate in what he called a governmental vacuum, with little accountability for funds spent in terms of results obtained. State control would also bring supervision closer to the source of the poverty problems, he said, "where they are better understood and where officials and workers have a strong incentive for finding solutions." Such a state variation plan was tried successfully in Oklahoma in 1969, Hawkins said.

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Changes Proposed in State's Plan for Higher Education

Nineteen months ago, in May 1971, the Coordinating Council for Higher Education appointed a Select Committee on the Master Plan for Higher Education made up of 17 educators and other individuals, most of whom had some ties to one or more of the four segments of California's higher education system, under the chairmanship of Dr. Joseph B. Platt, President of Harvey Mudd College. The committee's charge was to "examine the policies and issues of the Master Plan of 1960 in the light of new circumstances, developments, and the needs of higher education in the 1970's". Although provided only one staff person, Executive Director Durward Long, and believed by many observers to be no more than a tactical response to the study begun a few months earlier by the Legislature's Joint Committee on the Master Plan (see *California Journal*, February 1972, p. 46), the select committee, after a slow start, set about its work with considerable devotion.

Last month, at a special meeting of the Coordinating Council, the committee revealed its findings and recommendations in a 140-page report titled, *The California Master Plan for Higher Education in the Seventies and Beyond*. The report presents a total of 58 recommendations, many with more than one element, regarding governance, coordination, planning, finance, admissions, and student aid, but there are no surprises. The committee's chief conclusion, however, is that "the basic structure for California higher education as provided in the 1960 Master Plan has served California well and should be retained." Agreeing that "only significant and major deficiencies would justify recommending a a major change in structure with all the accompanying dislocations and expense," the committee rejected such a change because, it said, with no attempt at modesty, "Under this structure the University, the State University and Colleges, and the Community Colleges have become the very best of their respective kinds of educational institutions in the world today."

Nevertheless, the committee did recommend some changes in present policies and practices, among them the following:

- Uniform 12-year terms for members of the governing boards of California's public institutions.
- Expansion of Coordinating Council membership from 10 to 21 members, adding five more public members, one member from each of the three public governing boards, the Chairman of the State Board of Education, the Chairman of the California Council on Vocational Education, and a representative of a proprietary institution.
- Development of regional plans for community college programs and facilities by the Board of Governors of the California Community Colleges.
- State encouragement for the establishment of regional organizations with boards composed of representatives of the various segments of higher education to coordinate policies regarding cross-registration of students, extension programs, and the sharing of facilities, and to develop various off-campus instructional programs.
- Experimentation by UC and CSUC in modifying admission criteria and expansion of the percentage of students admitted as exceptions to standard admission requirements.
- Equal treatment for students who transfer to a UC or CSUC campus, as compared with "native students".
- Augmentation of the data gathering and reporting activities of the council as part of a greater emphasis upon its planning function.
- Development by the public institutions of greater opportunities for accelerated program completion through such methods as advanced placement and examinations.
- Expanded use of electronic media, smaller learning units, work-experience programs, and other variations in the standard academic program.
- Greater efforts to recruit a larger number of qualified women and minority faculty for the public institutions.
- Avoidance of the use of tuition and other student fee income for capital outlay costs.

The committee also recommended numerous additional studies, or consideration of the need for studies, dealing with such things as local advisory boards for UC and CSUC campuses, regional community college districts, a new scholarship program for disadvantaged students, year-round operation, and ways to utilize private facilities in connection with public educational objectives.

A new master plan?

It is not clear what, if anything, will become of these recommendations. The select committee proposed that the Coordinating Council, after reviewing the committee's recommendations, proceed to prepare "a revised and updated Master Plan", presumably to incorporate some or all of the committee's recommendations. On December 5th, after hearing some criticism of the committee's recommendations from the council staff and the segments, a divided council passed a resolution telling the council director, Dr. Owen A. Knorr, to prepare a revised and updated draft of a new master plan, with the advice and counsel of the four segments of California higher education. In doing so, the director was told to take into account the council's comments on the committee's report, as well, presumably, as the staff's criticisms and suggestions.

The select committee's report is also to be studied by the Legislature's Joint Committee on the Master Plan, which is now completing its own studies of many of the same subjects. The joint committee is scheduled to issue a preliminary draft of its report in January, and a final version in March, after holding one or more public hearings on the draft report.

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It's Still Just a Baby, But the Children's Lobby Is Learning Its Legislative Lessons Quickly

On the cover of the single-page flyer is a photograph of a plump, blond, grim-faced child 2 or possibly 3 years old, with what appears to be sand or dirt on the left cheek. The caption reads, "If this kid ever desperately needed a friend . . . it's now!" Inside is another picture of the same child, standing alone on a smooth, flat beach, watching the gentle surf. The text begins, "Young children are the only source of our future adults. Unfortunately, they are the most appalling example of a segment of the population abandoned by society's conscience. We seem to feel no aggregate responsibility for our children. The damage begins with the young ones, and manifests itself in various ways as the children grow." It is a pitch for funds ("minimum donation of $12 for full membership") for support of one of the newest lobbying efforts in Sacramento, the California Children's Lobby, whose obvious purpose is to excite the latent feelings of guilt that many adults feel when forced to think about the world into which they bring so many children.

The message may also arouse some skepticism in the minds of Californians who remember that only a few years ago they were being chastised for their collective overindulgence of the young. Nevertheless, it has evidently been successful in raising the funds necessary to support a professional lobbying operation with a $40,000 annual budget and a registered advocate, Elizabeth Berger. The purpose of this lobbying effort is to serve as "the central political spokesman for all children," she says. "We need to play politics for our children. There are groups already formed who speak for specialized needs of certain children, such as the retarded or the handicapped. But there has never been an organization to protect the interests of all California's children in the areas of health, education, legal rights, or legislation."

Time to act

According to Robert V. Pauley, until last month president of the Children's Lobby (and son of oilman Edwin W. Pauley), the idea behind the organization originated with Donald H. Fibusch, a retired San Francisco insurance executive who has acted for many years as a volunteer lobbyist and consultant for various children's programs. Fibusch and others who attended the White House Conference on Children and Youth in December 1970 concluded that the time had come in California to form an organization that would unite the many volunteer and professional groups concerned with child welfare and provide them with a single, strong voice in the capitol.

The idea of forming a statewide children's lobby was proposed by Fibusch at a regional conference of the Child Welfare League in San Francisco in February 1971 to provide a lobbying arm to nonprofit organizations that could not do the job directly without losing their tax-exempt status. The idea caught on, and many of those who attended that conference became the nucleus of the California Children's Lobby. Although some of the child-welfare professionals instrumental in the coalition's formation subsequently bowed out to allow it to take on more of the characteristics of a "citizens' lobby", the Children's Lobby, through its membership, remains primarily spokesman for the state's 200 or more volunteer and professional groups interested in children's health, welfare, and education.

The organization now claims a membership of 1,600, and has a 30-member Board of Directors including Dr. Gerald L. Brody, president of the Los Angeles Society for Child Psychiatry; Mrs. Alexander Ripley, a member of the State Welfare Board and vice-president of the Child Welfare League of America; Sue Brock, coordinator of the Liaison Committee for Child Centers in Higher Education; Catherine Jeramy, president of the California Welfare Rights Organization; Dr. Higgens D. Bailey, president of the California College of Podiatric Medicine; and Dr. Delmer J. Pascoe, professor of pediatrics at the UC San Francisco Medical Center and president of the California Council on Children and Youth. Obviously, the board includes no one who is just a parent and, although several members are relatively young, no children. The guiding interests of the organization (it would go without saying if it were not for its name and its claims to represent "all children"), therefore, are not necessarily those of children but those of organizations that believe they are serving the best interests of children.

Legislative objectives

The primary objectives of the Children's Lobby are to mobilize public opinion and the resources of interested individuals and organizations behind selected legislative objectives and to make sure that important legislation is translated into effectively administered programs. Aware that it must focus its efforts in order to be effective, the organization has adopted a set of criteria for determining legislative priorities. According to these, highest priority is to go to legislation that will affect large numbers of children, be preventive rather than remedial, have a long-range impact, affect children in all economic levels, and hold some prospect of success. In addition, the lobby is understandably highly interested in measures that have a positive public relations potential for the organization.

First priority has been assigned to measures that affect preschool children. In 1971, the lobby's first year

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of operation, this meant support for bills dealing with child-care centers, adoption, child abuse, safe toys, and fire safety. Pauley believes that the organization "made the difference" in the passage of SB 702 (Cusanovich), expanding children centers funded by the state and the federal governments; AB 734 (Brathwaite), authorizing federally funded child care centers on college and university campuses; and SB 1 (Dymally), which expanded subsidies to families that adopt children with special needs. This year, the lobby has concentrated its efforts behind legislation dealing with health care for children, adoption investigations, abused and neglected children, early childhood education, drug treatment, and family and children's center care. Support from the Children's Lobby helped pass AB 759 (Brown), which provided that dental care shall be included as an "essential" service for children eligible for Medi-Cal benefits. The lobby also supports SB 1302 (Dymally), which enacted into law much of the early childhood education program sought by State Superintendent of Public Instruction Wilson Riles (see *California Journal*, December 1971, p. 342).

Two directors of the Children's Lobby, Sue Brock and Dr. Ann Dehuff Peters, reportedly played a major role in researching and drafting AB 1319, Assembly Speaker Bob Moretti's child care bill. AB 1319 would have provided $25 million in additional state funds for child care and development programs, and would have established area councils to implement the programs along Department of Education guidelines. The state funds were expected to trigger an additional $75 million in federal funding, enough to pay for 100,000 child care openings in the first year and, within five years, developmental day care for 500,000 children under age 5. Other major objectives of the bill were, according to its sponsors, to substantially improve supervision of licensed family care homes and to provide health care for children in day care centers. AB 1319 was passed by the Assembly but eventually dropped by Moretti in the Senate in the face of uncertainties concerning federal funding and the impact of earlier state legislation.

Still a baby

"There is great difficulty in focusing on a few major issues," Elizabeth Berger says, "when three out of four bills deal directly or indirectly with children." The organization seems to have solved this problem better than most new lobbying efforts, yet it is hard to judge whether it has been effective in pursuing the objectives it has set for itself. Berger is as aware of this as anyone. "It's still too much of a baby to tell," she has said. "I think the legislators realize that we are not in this for our own special interests. The lobby has great potential. If we are to sell an idea to the public, which they in turn will sell to the legislators and the Governor, we must translate what needs to be done to help families with children into the voters' own self-interest. What I am saying is that we must find a means of clearly stating that what happens to little children is in the public's self-interest. I submit this is a moral pursuit."

The newly elected president of the organization, Arnold G. York, an attorney and former social worker who once served as a field representative for Congressman Thomas Rees, has said that the Children's Lobby cannot form permanent alliances with other groups, because it must maintain "maximum flexibility". Moral pursuits, however, have a way of succumbing to private and partisan interests in the legislative process, and York, a political realist, knows this. "We will align with anybody," he says, "who can do anything for children on a particular bill." Among the organizations with which the Children's Lobby most often finds itself allied are the League of Women Voters, the Friends Committee on Legislation, the American Association of University Women, and the National Association of Social Workers. Representatives of these organizations generally agree that alliances on specific bills can be useful, although in their view the Children's Lobby does not yet have the "visibility" it takes to move most controversial bills.

Lynda Bardis of the Association of Social Workers gives the lobby high marks for a new organization, however. "I think they are particularly effective," she says. "They are extremely well-organized. They know whom to talk to and how to talk to them. They can always get heard, and they can deal with the people who wield the power." High praise. But the Children's Lobby has yet to prove itself. Like most other "public interest" lobbies, its effectiveness depends not simply upon the moral fervor of its spokesmen, but the willingness of its members to provide the essential financing for a professional lobbying program, their capacity for focusing their attention on a few key issues each session and for sticking with them session after session, their ability to establish credibility among legislators, and their choice of sponsors for major legislation.

Plans for 1973

In 1973, the Children's Lobby will devote much of its effort to legislation dealing with foster care. "The State of California is a derelict parent," Berger told the Assembly's Select Committee on Children in October. "The counties are derelict parents. We citizens are derelict in the highest of duties: to see that little children are properly cared for. Foster care is a disaster. It is chaotic. It is piecemeal. Like Topsy it has grown. It is impossible. It is a disgrace. In short, throughout the state, it is a mess." To clear up this mess, Berger presented to the committee 11 recommendations supported by the Children's Lobby, ranging from preparation of a guidebook for foster children to improved training and retraining for placement personnel.

It is clear that Elizabeth Berger and her directors mean to accomplish something in this field, and that they are learning what it takes to win a significant legislative victory. The principal question now is whether the groups that provide the core of the organization's membership can hold together long enough to achieve their objectives. Berger put it to her colleagues earlier this year in these words: "Time after time and year after year, we in Sacramento watch as good program objectives fail in the political process because the good people who support them cannot resolve their differences. Groups must learn to translate objectives into fact by learning to work on a principle in a coalition."

CORRECTION

In the October issue of the *California Journal*, the Teamsters were listed as opponents of Proposition 20, which they were not. The California Teamsters Legislative Council has informed us that the Teamsters took no position on Proposition 20.

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California Journal/*NEWSBRIEFS*

Minority coalition signs agreement to lease cable television channels

Agreement was reached on November 28th to enable a coalition of 15 minority organizations to lease a number of channels in the California operation of two national cable television companies now undergoing merger. The coalition, represented by Public Advocates, Inc., of San Francisco, called the agreement "the first step in the creation of a Third World network".

Under the agreement, which the coalition expects ultimately to be extended to other CATV systems in the state, Atlanta-based Cox Cable agreed to provide production equipment and to promote the minority programming in each of its systems, in Lafayette (Contra Costa County), Bakersfield, Santa Barbara, and San Diego; to establish closed-circuit production training programs; to institute affirmative-action hiring programs to bring minority representation up to 15 percent of the staff in each system within three years and to give priority to naming Blacks, Chicanos, Orientals and females to the company's Board of Directors; to lease available channels at $1 annually and six hours of cable time a week at 27 cents a year where no channels are available; to approach other CATV operators to help finance production centers in San Diego, Los Angeles and San Francisco.

"We're going along with Federal Communications Commission regulations that call for all cable TV firms to make available public access channels to any group," Henry W. Harris, president of Cox Cable, explained. "It's being done on a first-come, first-served basis, and it's up to the group to come through with adequate programming for any time alloted." Under the recently formulated FCC regulations concerning public access, companies with 3,500 or more subscribers must make at least one cable channel available to any group on a non-discriminatory basis. "Frankly, we have mixed emotions about the whole thing," Harris confessed, "but it does have tremendous possibilities, if used responsibly."

The coalition embraces 15 minority-group organizations in the principal CATV markets in California. Its negotiators were Leonard Carter, Western Regional Director of the National Association for the Advancement of Colored People, Jack Ybarra of Confederacion de la Raza Unida, and Huey P. Newton of the Black Panther Party, and Anthony Kline and Albert Moreno of Public Advocates.

CSEA votes $500,000 political-action fund

Members of the California State Employees Association will begin contributing part of their monthly dues to a $500,000 political-action fund effective January 1st, it was decided at CSEA's 42nd General Council, which met in Fresno last month. That decision followed by less than a month the resounding defeat of the CSEA-sponsored initiative, Proposition 15 on the November 7th ballot. Association members last year had voted to increase their dues $1.75 a month to put the pay-related measure across. The new dues schedule returns the basic dues rate to $3.25 a month, but adds a new assessment equal to .1 percent of each member's annual salary, to be paid in monthly installments.

The new fund will be used to help reelect or defeat legislators on the basis of their votes on issues of primary interest to state employees, according to CSEA General Manager Walter Taylor. One such vote next year will concern collective bargaining for state employees, Taylor predicted.

At the Fresno meeting, the delegates also reelected LeRoy A. Pemberton, an administrator at California State University, San Diego, as head of the 107,000-member body. In doing so, it turned away a challenge from the floor by Edward Ward, a Highway Patrol officer, who said the candidates' chief difference was "the man at the top", namely Taylor. The General Manager thereupon called Pemberton's 629-129 victory "a vote of confidence" in his leadership during the five-day strike last May of California Water Project workers as well as in the expensive and aggressively waged initiative campaign. "This organization," Taylor declared, "is no longer a picnic, insurance, and social society. It's turned into a real labor organization."

Reinecke will head study to reform state's local governments

Governor Ronald Reagan named Lieutenant Governor Ed Reinecke last month to head a long-range study of how the state's system of local government might be streamlined and modernized, a job one observer likened to "the 12 tasks of Atlas". In announcing the appointment, Reagan said the objectives of the study are twofold: to deliver public services as cheaply and efficiently as possible, and to make local government more responsive to people's needs. Reinecke has suggested that part of the answer will lie in pruning back and consolidating local government units, which he said now total 5,758, run by 18,000 elected officials at an annual cost of $14 billion. "This shows," he concluded, "that we are the victims of over-governmentalization."

The study is expected to be a long-term project that may cost up to $50,000 in its first year, Reinecke said. One step will be development of a state master plan of local governmental organization and development, he said. Its drafters will consider, among other things, redrawing county boundaries, consolidating governmental functions, eliminating some units of government, reallocating certain public-service responsibilities, creating uniform management and data systems, equalizing the tax burden, improving coordination of federal funds to local governments, and finding a fairer way to reimburse local governments for the cost of performing state-required services. "It obviously is a long-range charge," Reinecke said. "It could go on for years . . . We're not going to force anything down anyone's throat."

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Legislature Adjourns Last Annual Session

The last annual session of the California Legislature adjourned on December 1st. On January 1st, legislators will go through the formality of meeting to override Governor's vetoes cast after adjournment, then a week later, on January 8th, the first biennial session of the Legislature will convene. The change to biennial sessions was approved in Proposition 4 in November.

Some of the major legislative acts of the 1972 post-election session are noted below. A summary of the session up until its August 4th recess was published in a 12-page supplement to the September California Journal. *A comprehensive updating of that summary will appear in the January* Journal.

State ratifies equal rights for women, after Mills relents

California became the 22nd state to ratify the U.S. Constitutional amendment that guarantees women equal rights with men. Senator James Mills switched his vote and thereby gave the legislation the necessary margin to get out of the Senate Rules Committee of which he is chairman. Passage of the Equal Rights Amendment last month ended a long and sometimes bitter legislative battle, provoked almost single-handedly by Mills' refusal to let the ERA reach the Senate floor, where approval was assured. Mills, who voted against ratification on the floor, said he voted to let the measure out of committee only after he became convinced that it is essentially harmless. Women's rights advocates, who had worked hard in support of the ERA, considered it more likely that the threat of a recall campaign against Mills had helped bring about the change of mind.

Thirty-eight states will have to ratify the amendment before it becomes part of the Constitution. California's ratification was considered crucial to building the momentum needed to put the measure over nationally.

In the Legislature last week, a related bill, AB 1710 (Brown), which extends to males all women's work-protective measures except one regarding the lifting of weights, was sent to the Governor. The Governor had earlier signed AB 256 (Warren), which extends the $1.65 minimum hourly wage for women to men. Behind both measures was concern that adoption of the ERA would erase any laws limited to just one of the sexes.

No-fault auto insurance doesn't quite make it

The California Trial Lawyers' Association outlasted legislators backing the idea of instituting a system of so-called no-fault automobile insurance in California as the last of about a dozen no-fault bills finally died in the closing days of the Legislature. The Reagan administration had actively lobbied for the no-fault insurance both in statements from the Governor and in hard-hitting testimony by John T. Kehoe, Director of the Department of Consumer Affairs.

The trial lawyers opposed no-fault as certain to raise motorists' insurance premiums. Proponents argued that just the opposite would be true, citing the experience of Massachusetts, where a no-fault insurance law was passed in 1970 and premiums have since been reduced, and charged CTLA with merely protecting a lucrative legal market for its members, referring to fees derived from suits filed against other parties to pay for damages to a client involved in an automobile accident. The no-fault concept compensates the driver for personal injuries regardless of fault. Variations of it, and there were many during the 1972 session, permitted lawsuits after medical expenses reached a certain level, $1,000 in the final, defeated version.

As the 1972 no-fault battle ended in Sacramento, with little question but that it would be revived in 1973, there were indications in Washington that a drive will be mounted at the same time to institute a national no-fault law.

Governor gets choice of bills to protect last of 'wild rivers'

Two bills aimed at safeguarding the state's remaining free-flowing stream systems awaited Governor Reagan's return from a private trip to Mexico. These were the so-called wild rivers bills SB 107 (Behr), the conservationists' favorite, and SB 4 (Collier), which was amended into a nearly identical measure in what must be considered a victory for hard-fighting environmentalists both within the Legislature and out.

Both SB 107 and SB 4, as they cleared the Legislature, set a 12-year moratorium on the building of dams on the Klamath, Trinity, and Smith Rivers and part of the American, and also on the winding Eel River, which is famous for its periodic rampages and for that reason has attracted the most interest in flood-control measures such as have mostly tamed the Sacramento River. The main difference between the bills is that the Collier measure permits planning the construction of dams during the moratorium, which the Behr bill forbids. Reagan has said that both bills are acceptable to him and that he will sign whichever his analysis determines to be the better.

Legislators decline 20% pay raise but take 10% instead

Showing a notable unity of purpose, the legislators closed their 1972 session by voting themselves a 10 percent salary increase, but only after trimming back an original proposal calling for a 20 percent raise. The new salary of $21,120 will become effective with the start of the session following the next election.

Senator Alan Short, who took the occasion to announce that he will not seek reelection in 1974 and therefore will not personally profit from the pay measure, introduced the 20 percent increase bill, which the Assembly, in a fit of fiscal prudence or political wisdom, trimmed by one-half on the recommendation of Assemblyman Bob Monagan, who has also said that he might not be in the Legislature two years hence. That is not to say that the authors would not benefit at all, however, for the legislation also sweetens retirement benefits for lawmakers who quit before 1975 or lose in the 1974 elections.

Legislators now receive $19,200 a year, plus $30 a day expense money while in session, among other benefits. Governor Reagan had said that he will sign any salary-increase bill the lawmakers cared to send him.

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Legislators, Governor Hail 11th Hour Victory for Property Tax Relief – School Finance Bill

More than once during the past year, there appeared to be no chance that the Legislature would reach agreement on the property tax relief legislation that Governor Reagan and Assembly Speaker Bob Moretti wanted so much. Although the two party leaders had succeeded in resolving their own differences (see *California Journal*, May 1972, page 144, and June-July 1972, page 200), there appeared to be little chance that they would win enough votes to get a bill through the Senate. Despite heavy lobbying from the administration and various other interests, a sufficient number of Senators held out against the Reagan-Moretti plan to deny it, throughout the summer and early fall, the two-thirds majority it needed for passage.

Senate opposition was based on a number of factors. Several Senators insisted that the Reagan-Moretti plan provided too little new support to the public schools and that by allocating all federal revenue sharing income, plus a substantial portion of the projected budget surplus, to property tax relief, it would block for several years any prospect for an increase in state funds sufficient to meet the requirements of the *Serrano* decision of the state Supreme Court, which called present school finance methods unconstitutional. Another group of Senators was sympathetic to the complaints of city and county officials that the Governor's plan for setting tax-rate limits on local governments would unnecessarily weaken their ability to respond to local needs. Other Senators (and these groups overlapped one another) opposed the proposed increase in the sales tax rather than in the more progressive income tax.

Nothing to show

The Reagan-Moretti bill (AB 1000) passed the Senate Revenue and Taxation Committee 5-3 on July 21st, but the bill fell two votes short of a required majority in the Senate Finance Committee. Unable to move AB 1000, but convinced that they could eventually get enough votes for passage on the Senate floor, its supporters took over SB 90 (Dills), a school-finance bill that had been passed by the Senate late in July, and amended into it all the provisions of AB 1000. SB 90 was then passed by the Assembly 61-10 on August 2nd and sent to the Senate floor for concurrence in the Assembly amendments (that is, the provisions of AB 1000). But despite heavy lobbying by school groups who joined in support of SB 90 (seeing it as the only hope for additional school funding in 1973-74), the Senate opposition held fast, and the Legislature recessed for the general election campaigns with nothing to show the voters.

When the Legislators returned on November 8th, the lobbying effort was intensified, and there were periodic reports that supporters of SB 90 were close to getting the two additional votes they needed. Governor Reagan reiterated the pledge he had made before the general election (as part of the successful effort to defeat Proposition 14 — the Watson tax initiative) that he would go to the people with an initiative of his own if the legislators didn't give him what he asked. Nevertheless, on November 29th, when supporters decided finally to go for a vote on the Senate floor, they were still one vote short of the necessary two-thirds. Three Republicans and 10 Democrats continued to hold out, enough, with one vacancy in the Senate, to block passage of the measure. Governor Reagan then made it clear that he had made his last concession in attempting to win Senate votes. "Once again," he told reporters, "this little band of recalcitrant Senators has shown that their only motivation in asking for impossible changes at this eleventh hour amounts to nothing more than an attempt to justify their votes to kill the bill."

It came as some surprise, therefore, when on the last day of the session three of the opposition switched sides, giving SB 90 a vote of 29-10 and sending it to the Governor for his certain signature.

Principal features: expenditures

As signed by the Governor, SB 90 provides for expenditures of $1,133,000,000 in 1973-74, rising to $1,371,000,000 by 1975-76. The principal items of expenditure are:

1. *Property tax exemption.* The present property tax exemption for home-owners is $750. This will be increased to $1,750 beginning in 1973-74.
2. *Renters' tax credit.* A refundable income tax credit for renters, ranging from $25 to $45.
3. *Inventory tax relief.* Business inventories now enjoy a 30% property-tax exemption. This will be increased to 45% in 1973-74 and to 50% in 1974-75.
4. *Open space.* Reimbursements to counties and cities for setting aside open space under the Williamson Conservation Act will be increased by $7 million per year.
5. *School funds.* $454 million in new school funds are allocated to local school districts, of which $229 million is to be used to reduce school tax rates and $225 million is to supplement current school support.
6. *Early childhood education.* Appropriates $25 million for the Early Childhood Education Program

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Summary of Estimated Revenues and Expenditures Provided by the 1972 Tax Law (SB 90)
(In Millions)

Expenditures	1973-74	1974-75	1975-76
1. Homeowners property tax exemption increased to $1,750	$ 378	$ 382	$ 387
2. Renters' tax relief — $25 to $45 tax credit	110	115	120
3. Business inventory tax relief — 45% in 1973-74, 50% in 1974-75.	63	86	91
4. Increase in open space allotments to counties	7	7	7
5. Public school apportionments	454	546	646
6. Public schools: early childhood education	25	40	40
7. Public schools: special assistance for urban schools	82	82	82
8. Adjustments in welfare benefits for sales tax	14	14	14
9. Interaction of expenditures	—	−15	−16
Total expenditures	$1,133	$1,257	$1,371
Revenues			
1. 1% sales tax increase effective June 1, 1973	$ 565	$ 650	$ 695
2. 1.4% bank and corporation tax increase, July 1, 1973	105	145	160
3. Interaction of tax increases	12	10	9
4. Federal revenue sharing	215	220	225
5. Surplus state revenues	236	232	282
Total revenues	$1,133	$1,237	$1,371

Source: SB 90 Conference Report

passed by the Legislature in November.

7. *Urban schools.* Provides special assistance for urban schools in the amount of $82 million.

The additional school support funds total $332 million, the largest increase in school funding in recent history, although far short of the estimated amount ($1-$2 billion) required to meet the conditions of the *Serrano* decision. According to current estimates, the increased support will raise the state's share of public school costs to 43 percent, from 32 percent. In addition to this increase, SB 90 provides an automatic cost-of-living increase in subsequent years and provides for loans to those school districts that this year may receive substantially reduced federal support to offset tax-base loses to federal installations (PL 874 funds). The loan is to be repaid from state support for 1973-74.

Revenues

To finance the property tax relief and increase support for the public schools, SB 90 provides for the following tax increases:

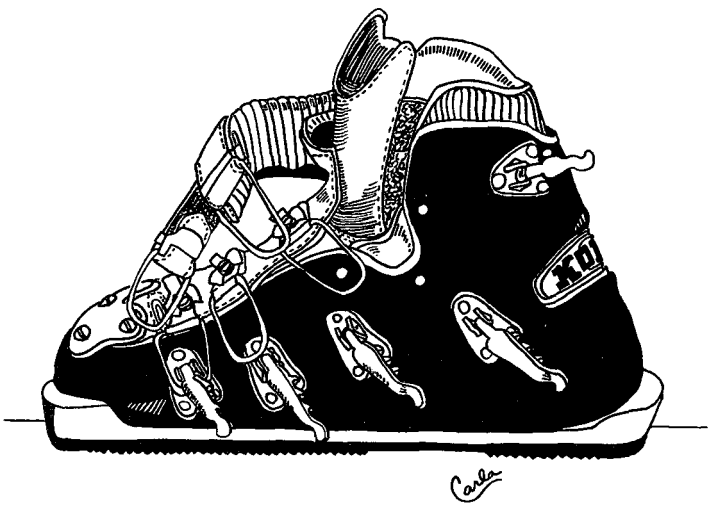
1. *Sales tax.* The state sales tax is to be increased increased by 1% on June 1, 1973. This means that the total sales tax will go up from $.05 to $.06 ($.065 in San Francisco Bay Area counties).
2. *Bank and Corporation tax.* The bank and corporation tax now stands at 7.6% for corporations and 11.6% for banks. These rates will be increased by 1.4% to 9% and 13% effective July 1, 1973.

Together, these two tax increases are expected to produce $682 million in new tax revenues, including revenue increases that will result from their interaction with other state taxes. This leaves a balance of $451 to be provided from federal revenue sharing and surplus revenues produced from the 1971 tax legislation. Revenue sharing is expected to provide $215 million in fiscal year 1973-174. The remaining $236 million is to be drawn from surpluses generated by the tax legislation of 1971 — that is, from the withholding of personal income taxes, the increase in tax rates for taxpayers in the highest bracket, a reduction in capital gains benefits, an increase in bank and corporation taxes to 7.6% and 11.6%, and acceleration of inheritance tax collections.

Other features

At the Governor's insistance, cities, counties, and special districts will be prohibited from raising local property taxes above the rates in effect for 1972-73, except as required to offset increases in the consumer price index and population growth, unless given authority to do so by local voters. Public school districts are similarly limited to tax increases necessary to offset inflation and enrollment growth, except as greater increases are voted by district residents. In the case of the schools, however, state aid is to be adjusted each year to take into account "slippage" — that is, rising local assessed valuation that, in the absence of adjustments in state aid, would tend to reduce the level of state support and raise local tax contributions.

As the new tax-relief measure moved from the Legislature to the Governor, legislators who had repeatedly promised their constituents some form of property relief this session poured out a flood of press releases informing the voters that they had indeed performed as promised, justifying the defeat of proposition 14. Among those praising the new legislation were legislators of such diverse views as Speaker Moretti, Senate Republican Caucus Leader John L. Harmer, Assemblyman William Bagley, and Assemblyman John Stull. Joining them was Governor Reagan, who told reporters in Los Angeles that he was "delighted that at long last the Legislature has approved tax reform and financing legislation. This bill is a first step and will go a long way in providing relief that the taxpayers need and deserve. I believe those members of the Legislature who worked long and hard in behalf of this bill have performed a great service to the people they represent."



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The 1973 Legislature

Heavily Democratic Assembly, Split Senate

California's 1973 Legislature will have the most heavily Democratic Assembly since 1964 and a state Senate in which neither party has a majority as a result of the November election (see November's *California Journal* for complete election results).

Senate results

Democrats lost one seat in the Senate in the Third District race where Assemblyman Ernest LaCoste, the Democrat, was defeated in his fourth contest in recent years with Clair Berryhill, the Republican. The vacancy occurred when Democratic Senator Stephen P. Teale retired. Berryhill received 94,590 votes (50.3%) to 93,410 (49.7%) for LaCoste. In all other races, the incumbents won. Senator Milton Marks, who was thought to be in trouble in the 9th District in San Francisco, won handily over his Democratic challenger, Ronald Pelosi, 168,040 (59.0%) to 113,580 (39.9%). Only one Senate incumbent received less than 55 perecnt of the vote, and that was Robert Stevens, who barely missed being upset by Catherine O'Neill in the 25th District in Los Angeles. Democrat O'Neill received 130,266 votes (48.4%) to 133,738 (49.7%) for Stevens.

With the death of Democratic Senator Tom Carrell and the election to Congress of Republican Senator Clair W. Burgener, the Senate will begin the new session with a 19-19 partisan split. Since the Lieutenant Governor may cast a tie-breaking vote only in a 20-20 tie, neither party can control the upper house. The Senate has always been the less partisan of the two houses, and this impasse can be expected to halt the trend in recent years toward greater partisanship, at least until the two special elections are settled early in 1973.

Assembly results

In a strong counter-trend to the Nixon landslide, Democrats surprised even the optimists among their own ranks by gaining eight seats in the Assembly. Republicans entered the election with the disadvantage of having vacancies in eight seats they had held. Democrats had vacancies in four of their seats, but as it turned out they were able to hold all of these and pick up eight Republican seats, three from incumbents.

The three Republican incumbents who were defeated were Assemblymen Charles Conrad of Los Angeles, who had been expected to have a tough fight, and Kent H. Stacey of Bakersfield and E. Richard Barnes of San Diego, who were thought to be safe. Conrad lost by nearly 20,000 votes to Howard Berman in the 57th District: Berman 71,894 (55.3%), Conrad 42,832 (41.8%). In the 28th District, Stacey was surprised by Raymond Gonzales, one of three new Chicano representatives elected this year: Stacey 38,050 (47.9%), Gonzales 41,331 (52.1%). And Barnes was defeated 53,584 (57.3%) to 50,825 (48.7%) by Lawrence Kapiloff in the 78th District. San Diego County with only a 48 percent Democratic registration is now represented by four Democratic Assemblymen out of five, a fact that has been attributed in part to the leadership of the Southern Chairman of the Democratic Party, Larry Lawrence, who has done much to revitalize his party in San Diego County.

In addition to these three gains, Assembly Democrats won five seats vacated by incumbent Republicans. Winners were: Barry Keene over Lawrence Anolini in the 2nd District seat formerly held by Frank P. Belotti; Daniel E. Boatwright over Warren N. Boggess in the the 10th District seat formerly held by James W. Dent; Richard Alatorre over Bill King in the 48th District seat held by Bill Brophy; Joseph B. Montoya over Keith Miller in the 50th District seat of Bill Campbell; and Walter M. Ingalls over Robert O. Hunter for the 74th District seat of W. Craig Biddle.

REPRESENTATION OF SELECTED GROUPS IN THE LEGISLATURE AND CONGRESS, 1972-73

	Senate		Assembly		Congressional Delegation	
	1972	1973	1972	1973	1972	1973
Women	0	0	3	2	0	1
Blacks	1	1	5	6	1	2
Chicanos	0	0	2	5	1	1
Democrats	20	19	43	51	23	26
Republicans	19	19	37	29	20	22

The extent of the Democratic victory cannot be attributed to any one cause or trend, but registration was an important factor; only two Democrats won in districts with less than 50 percent Democratic registration. In almost every case, Democrats ran behind their registration, as usual, and Republicans did better than their registration percentage, although by smaller margins than usual. Democrats had 60.4 percent of the two-party registration statewide, but got only 53.7 percent of the two-party vote. Yet that 53.7 percent of the vote produced 63.8 percent of the Assembly seats, because of the way the votes were distributed among the districts. Thus, a combination of registration disadvantages and district alignments that maximized these disadvantages influenced the pattern of Republican defeat. This pattern, for the most part, existed four years ago when the Republicans won control of the Assembly, however. Thus, it was more on a district-by-district

(Continued on page 372)

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The Legislature Still Plans to Draw District Boundaries Despite Court's Refusal to Extend Deadline

The unending reapportionment story goes on, with this year's post-election legislative session again passing the redistricting hot potato on to the 1973 session. The chapters of the story have unfolded in the pages of the California Journal, *beginning with a story headlined "Legislature Faces Reapportionment Showdown" in the December 1970 issue. Other articles have included "Legislature Struggles with Reapportionment Problems Behind the Scenes" (June 1971), "Senators and Assemblymen Remain Divided on Reapportionment as Time Runs Out" (October 1971), "'Easy' Congressional Reapportionment Gets Crunched Between Rival Demands of Republicans and Democrats in the Legislature" (November 1971), "Reapportionment Reels Toward the Court as Republicans Deadlock Democrats" (December 1971), "Supreme Court Rules Against Reapportionment Plans, Reapportionment Commission" (January 1972), "Does Reapportionment Have to Be This Way?" (February 1972).*

And now reapportionment is an active issue again, with the state Supreme Court drawing lines and the Legislature plotting a complex strategy to preempt the court.

This year's unusual rump session of the Legislature following a three-month recess was planned for the purpose of undertaking the long-delayed decennial reapportionment of Senate, Assembly and Congressional districts. The post-election session was scheduled in hopes that the election results would somehow dissolve the various impasses that stalled reapportionment for two years. As it turned out, the session saw several major accomplishments, but reapportionment was not one of them.

Last January, the state Supreme Court declared invalid reapportionment measures passed by the Legislature but vetoed by the Governor, and ordered reapportionment legislation to be passed and signed by the Governor by December 31st of this year. If the Legislature failed to act, the court said, it would undertake the redistricting itself. (The court on November 9th denied a petition by the Legislature requesting an extension until June 1, 1973.) The Legislature proved to be no more able to handle reapportionment after the election, however, than it had been before.

Assembly reapportionment

The chief obstacle to accomplishing reapportionment was and is the inability of Assembly Republicans and Democrats to agree on boundaries for the state's 80 Assembly districts. And bipartisan agreement is essential since Governor Reagan did, and will almost certainly again, veto an Assembly plan that guarantees continued Democratic control of the lower House. Senate and Congressional reapportionment have been pretty well agreed upon for some time and could probably gain the Governor's approval or the necessary ⅔ majority for an override. The Assembly will not pass Senate and Congressional reapportionment bills, however, until its own reapportionment is ready, for fear that the Senate might hold the Assembly's bill for ransome once its own bill is passed. There is always the longshot possibility, moreover, that the solution of a sticky Assembly district problem may lie in the redrawing of a Senatorial or Congressional district boundary.

The inability of the Assembly to reach agreement was only increased by the election results, which gave the Democrats eight additional seats. Until the new Democrats take their seats in January, the lame ducks are not likely to approve a reapportionment that reflects the Democratic gains. Once the new Legislature convenes, however, the situation will be different, and therein lies the tricky strategy that may still produce a reapportionment drawn up by the Legislature, despite the court's December 31st deadline.

The assumptions of this strategy are that: (a) the absolute deadline for a plan to be adopted is not until November 1973 at the earliest; (b) the court would prefer a legislatively drawn plan; (c) most incumbent legislators prefer to draw a plan of their own even if it seems to hurt their own party; and (d) the Legislature may reapportion any time as long as it does so on the basis of one man, one vote.

Assembly Speaker Bob Moretti's position at this point is to attempt to reapportion the Assembly early next year. Staff members of the Committee on Elections and Reapportionment are now revising and updating the reapportionment statistical base, adding census data that became available in the last six months and information from November's election results.

Bargaining with the Republican leadership will be difficult, however, since a court-directed reapportionment will certainly give Republicans a good chance to improve on the 29 seats they now have. However, Democrats, according to a knowledgeable source, are prepared to give up three of their seats to start the bargaining. Moreover, the court's districting, while it will improve Republican fortunes generally, will not necessarily improve incumbent Republicans' chances. These factors could make bipartisan agreement possible.

If Assembly reapportionment is not accomplished before the court announces its plan, that announcement could well provide the incentive for agreement. Shortly after December 31st, the state Supreme Court is expected to appoint a special master to develop a map of

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Assembly Seats and Congressional districts that meets the legal requirements. The court will then issue its plan, but that plan will go into effect, according to Moretti, only if the Legislature again fails to reapportion itself in time for the orderly conduct of the 1974 elections. The court may order its plan into effect only if the Legislature doesn't act, but even if the court's decision doesn't contain that condition, any plan passed by the Legislature in time for the 1974 elections would supercede any other plan, including the court's, it is argued.

While Republicans as a whole are expected to gain from the court redistricting, a number of individual Republicans will certainly be hurt. The Democrats could then redraw their plan in such a way as to strengthen all or nearly all marginally Democratic seats, save as few as three Republicans who would certainly lose under the court's plan, and thereby gain the 54 votes needed to override the gubernatorial veto that would surely await such a bill. The possibility of this reapportionment procedure is one more reason why bipartisan agreement may be reached before the court announces its plan, since the Democrats may be able to pick off individual Republicans after the court plan is announced, and Republicans would rather be able to bargain as a block.

Senate reapportionment

While such considerations occupy the Assembly, the Senate, according to one member of the staff, is "running in place", ready to move any time the Assembly does and ready to cooperate with the court. As a practical matter, this year's Senate reapportionment plan will require only slight modification next year to reflect the Republican win in the Democratic 3rd District. The announcement of Democrat Senator Alan Short that he will not seek reelection in the 6th District may also ease the problem of preserving incumbent Republican Senators Milton Marks and Peter Behr in San Francisco, Marin, Napa, and Solano counties. However, short of a major political change in the Senate — and two special elections in the spring could bring that about — it should not be difficult for the Senate again to reach bipartisan concensus on its reapportionment.

The same is true for the Congressional redistricting, which will require only minor adjustments to achieve bipartisan support in both houses.

New Legislature *(Continued from page 370)*

basis that the Republican defeats accumulated: a minor scandal here, a lazy incumbent there, a new block of 18-to-20-year-old voters in one district and a tactically faultless campaign by the opponent in another, all added up to disaster for the Republicans. Another important factor that may have made the margin of difference in many races was the campaign coordination and financing from Speaker Bob Moretti's office and the Assembly Democratic Caucus.

Congress

As it turned out, only two congressional races in the state were at all close. As predicted, incumbent Representative William Mailliard got a tough race from Roger Boas in San Francisco-Marin, but Mailliard won by 10,000 votes: Mailliard 118,197 (52.0%) to Boas 108,934 (48.0%). Surprisingly, Republican Mailliard did better in the San Francisco portion of the district, which is 61 percent Democratic, than he did in the Marin County portion of the district, which is only 50 percent Democratic.

The only other close race was in the 8th District, where Fortney Stark had defeated incumbent George P. Miller in the Democratic primary. Stark defeated Lew M. Warden Jr. in November, 101,024 (52.9%) to 89,948 (47.1%), a surprisingly close race in this 61.5 percent Democratic district in Alameda and Contra Costa Counties.

The five new districts California gained by virtue of population growth since 1960 were won by three Democrats and two Republicans. Assemblyman Leo Ryan won easily in the 11th District in San Mateo County; Assemblyman William Ketchum won by about 15,000 votes in the 36th District; Assemblywoman Yvonne Brathwaite Burke won in the 37th District in Los Angeles County; George Brown Jr. won in the 38th District in Riverside and San Bernardino counties; and Senator Clair Burgener won in the 42nd District of Orange and San Diego counties.

Two other non-incumbent winners were Republican Assemblyman Carlos Moorhead, who won in the Los Angeles County 20th District vacated by retiring Representative H. Allen Smith, and Andrew J. Hinshaw, the Orange County Assessor, who defeated Representative John Schmitz in the Republican Primary.

CALIFORNIA CALENDAR

Dec. 12-14	**Board of Equalization.** Board Headquarters, 1020 N Street, Sacramento. 2 p.m. Regular meeting.
Dec. 13-14	**Highway Commission.** Public Works Building, 1120 N Street, Sacramento. 10 a.m.
Dec. 14	**Assembly Committee on Revenue and Taxation.** Islandia Hotel, 1441 Quivira Road, San Diego. 9 a.m. Joint hearing with the Assembly Committee on Constitutional Amendments to review the recommendations and to discuss the revisions of Article XIII of the Constitution, as proposed by their appointed task force of staff experts.
Dec. 14-15	**Board of Education.** Water Resources Building, 1416 Ninth Street, Sacramento. 9 a.m.
Dec. 15	**Assembly Committee on Revenue and Taxation.** Islandia Hotel, 1441 Quivira Road, San Diego. 9 a.m. Committee will take testimony from interested parties on various aspects relating to the taxation of computer software.
Dec. 21-22	**Social Welfare Board.** Hilton Inn, San Francisco International Airport, Burlingame. 12/21 — 7:30 p.m. 12/22 — 9 a.m. Business meeting.
Jan. 12	**Park and Recreation Commission.** Room B 109, State Office Building, 1350 Front Street, San Diego. 9 a.m.

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Sacramento Area Government-Related Extension Courses

As a service to our Sacramento area readers, listed below are extension courses in government-related subjects offered this winter by the University of California at Davis.

Influencing Legislation X438 A

Larry Haas, B.A., budget analyst, State Department of Finance. This course explores the actual methods employed by legislative advocates seeking the introduction and enactment of their clients' bills, featuring guest speakers from the state Legislature and lobbyists.

Sacramento: Club Room, Westminster Presbyterian Church, 1300 N Street Tuesday, 4:30-6:30 p.m.; January 16-March 20; 10 meetings; $45, $25 students. Two quarter units of extension credit.

The Law, the Courts and the People X410.1 B

Albert J. Klein, J.D., trial attorney. This course will acquaint participants with the principles, procedures and legal concepts involved in judicial trials, and in the application of law to everyday life. The aim is to develop understanding so that participants will be able to read news accounts, and evaluate current conditions in courts, prisons, etc., with a knowing and critical eye.

Davis: Redwood Room, Mini-center, Hutchison Drive, UCD; Monday, 7-10 p.m.; January 8-March 19; 10 meetings; $47 credit, $42 non-credit. Limited enrollment. Three quarter units of extension credit.

Cable — The Wired Nation and the New Community: or, Plugging In, Turning On, Going Cable X433.2

Coordinator: Barbara Renan, M.A., freelance writer and photographer, Berkeley — A survey of the resources and potential of cable television, and how it works for the individual, the city, the cable company, the country, and the human community.

Sacramento: Auditorium, California Junior High School, 2991 Land Park Drive; Friday, 7:30-11:30 p.m., Saturday, 9 a.m.-5 p.m., Sunday, 10 a.m.-5 p.m.; January 26-28; 3 meetings; $47 credit, $42 non-credit, $15 for any one of the three days.

Applied Statistics X110.2

Kenneth Hall, M.S., operations research specialist, State Department of Finance — The applications of statistical technique and methods. Topics include: estimation and testing hypotheses, regression and correlation, design and analysis of experiments. Includes uses of computer to illustrate examples.

Davis: Peach Room, Mini-center, Hutchison Drive, UCD; Thursday, 7-10 p.m.; January 11-March 15; 10 meetings; $75. Prerequisite: previous course in statistics or consent of instructor. Limited enrollment. Three quarter units of extension credit.

Elements of Public Administration X181.1

G. Fredrick Thompson Jr., Ph.D., and Stephen L. Gould, Ph.D., assistant management auditors, State Department of Finance — The role of public administration in modern government; the nature of administrative agencies; human behavior in the administration process, executive leadership and decision-making; bureaucracy and bureaucratic accountability in a democratic society.

Sacramento: Room 400, Department of Finance, budget division, 1025 P Street; Monday, 5-8 p.m.; January 8-March 19; 10 meetings; $47 credit, $42 non-credit; Prerequisite: course in political science or economics or consent of instructor. Limited enrollment. Three quarter units of extension credit.

Human Factors in Program Management X115.2

Ray Lascola, B.A., chief, in-service training, State Department of Mental Hygiene — Behavioral aspects of program management, organization effectiveness, delegation, motivation, and communications receive extensive review. Case studies will illustrate applications in real-life situations.

West Sacramento: Room C, Management Development Institute, 2nd and G Streets, adjacent to Marina Inn; Tuesday, 5:30-8:30 p.m.; January 9-March 13; 10 meetings; $75. Prerequisite: consent of instructor. Limited enrollment. Three quarter units of extension credit.

Introduction to Program Management X115.1

Dennis Amundson, B.S., director, State Assembly Minority Ways and Means Committee — Program management will be viewed from several approaches: productive, behavioral, rationalistic model, and institutional. A wide range of topics, including planning, budgeting, analysis, decision-making, human factors, communications, measurement, control and evaluation will be considered in terms of the role and functions of the program manager.

West Sacramento: Room C, Management Development Institute, 2nd and G Streets, adjacent to Marina Inn; Wednesday, 5:30-8:30 p.m.; January 24-March 28; 10 meetings; $75. Prerequisite: three years work experience on a governmental program or consent of instructor. Limited enrollment. Three quarter units of extension credit.

Management Introduction to Computers X424.1

Carroll E. Salls, M.B.A., lecturer, School of Business Administration, California State University at Sacramento — Designed for any manager or executive whose job requires a layman's understanding of computers, this course offers preparation for a successful working relationship with computers and their operators.

Sacramento: Room A-22, Mira Loma High School, 4000 Edison Avenue; Wednesday, 7-10 p.m.; January 10-March 14; 10 meetings; $47 credit, $42 non-credit. Limited enrollment. Three quarter units of extension credit.

Measurement, Control and Evaluation X115.5

Charles Moss, Commission for Teacher Preparation and Licensing — This course considers the tools and techniques available to the program manager — after he has authorized a job — in order to assure results as close as possible to established objectives. Setting standards, measuring, taking corrective action, accounting, PERT, control reports, and evaluation tools for integrating planning and control will be examined.

West Sacramento: Room B, Management Development Institute, 2nd and G Streets, adjacent to Marina Inn; Monday, 5:30 8:30 p.m.; January 8-March 19; 10 meetings; $75. Prerequisite: Introduction to Program Management, Program Analysis, and Program Planning and Budgeting or consent of instructor. Limited enrollment. Three quarter units of extension credit.

New Techniques in Executive and Supervisory Leadership X400

Matthias McDonald, B.A., Special Assistant to Director of Finance, State Department of Finance — For supervisors and middle management executives, this course explores and compares a variety of traditional practices and recent innovations in the effective leadership of organization.

Sacramento: Room 4039, Department of Human Resources Development, 800 Capitol Mall; Tuesday, 5:30-8:30 p.m.; January 9-March 13; 10 meetings $47. Prerequisite: experience in supervision or consent of Instructor. Limited enrollment. Three quarter units of extension credit.

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Recent Supreme Court Decisions

Obscene Conduct

The state's Red Light Abatement Law was upheld in a 4-3 decision by the court, announced on November 14th, not to review a Court of Appeal ruling holding that the law could be used to prohibit "lewd activity" in a bar that features nude entertainment. The appellate court decision upheld a trial court injunction prohibiting the use of a bar in Orange County, known as Sarong Gals, for lewd purposes or for graphically depicting sexual acts.

According to the appellate court, the entertainment in the bar by female performers did graphically depict sexual activity and therefore constituted obscene activity not protected as free expression by the First Amendment. "Graphic depiction of sexual activity — standing by itself — does not possess the indicia of a theatrical performance" the court said. "The acts of the 'entertainers' or 'dancers' were purely and simply obscene acts performed for the purpose of inciting the sexual desires and imaginations of a group of randy beer-drinking patrons. The prevention of these acts does not hinder the marketplace of ideas or freedom to distribute information and opinion." At the same time, however, the court ruled that mere nudity or nude dancing cannot by itself be considered obscene under contemporary standards.

Justices Peters, Tobriner, and Mosk voted to review the appellate court decision.

Murder Conviction Affirmed

In a unanimous decision written by Chief Justice Wright, the court upheld the conviction of Sean J. Murphy for the murder of his wife Catherine. On appeal, Murphy contended that the trial court had improperly admitted tape recordings of two incriminating conversations with persons he was accused of approaching to assist him in the murder of his wife. The court pointed out that the U.S. Supreme Court had ruled on several occasions that a criminal defendant does not have a "justifiable and constitutionally protected expectation that a person with whom he is conversing will not then or later reveal the conversation to the police." The court also said that the defendant need not have been informed of his rights according to the Miranda decision because he was not in custody when the conversations were recorded.

Assault Conviction Upheld

The convictions of two Folsom Prison inmates for assault with a deadly weapon and with malice aforethought were affirmed in a unanimous decision written by Justice Burke and announced on November 29th. The two prisoners, Robert Cannady and Bufford Beard, had been held responsible for the death of a fellow inmate in a prison fight. The defendants appealed on the grounds that they had been denied the right to confront witnesses because the court had admitted prior statements of two prosecution witnesses. The court, noting that the two witnesses had also testified at the trial, quoted from a 1970 U.S. Supreme Court decision, saying "the Confrontation Clause is not violated by admitting a declarent's out-of-court statements, as long as the declarent is testifying as a witness and subject to full and effective cross-examination . . . "

Search Upheld, Recording Suppressed

The court found itself uncharacteristically fragmented in ruling on questions of admissible evidence in a criminal case involving kidnapping and assault with a deadly weapon. According to the trial court record, Jerald Douglas North was convicted of the two charges on the testimony of a school girl who said she had been pulled into North's car's at knife point. Evidence that helped to convict him was obtained from his automobile, which had been towed to the police station and searched after his arrest, and from a recorded conversation he had with his wife in a detective's office.

The trial court refused to suppress the evidence from either source, and North asked the Supreme Court to review that ruling. On the question of the car search, the Supreme Court agreed with the trial court in a decision written by Justice Louis H. Burke, signed by Justice Stanley Mosk, and concurred in by a separate opinion written by Wright, which was signed also by Justice Marshall F. McComb. Referring to a 1969 California decision, the majority held that the Fourth Amendment does not prohibit a search of an automobile that is believed to have been involved in a crime, following the lawful arrest of the owner. Justice Raymond L. Sullivan dissented from the majority opinion on this question and was joined by Justices Mathew O. Tobriner and Raymond E. Peters. Sullivan argued that in 1971 the U.S. Supreme Court had ruled against the use of evidence similarly obtained.

Although it approved the car search, Burke's majority decision ruled against the use of the recorded conversation, calling it an impermissible invasion of marital privacy. Under the circumstances, North and his wife could reasonably have expected their conversation to have been private, said Burke, noting that communications between husband and wife are presumed to be confidential. This was a different matter, he said, than monitoring inmates' conversations with others so as to maintain jail security, an activity previously approved by the court.

This part of Burke's decision was joined in by Justice Stanley Mosk, and Justices Tobriner and Peters filed a separate opinion concurring with the majority opinion on this issue. Justice Sullivan dissented in this part and was joined by Wright and McComb. Sullivan argued that a long line of earlier cases indicated that persons in a police custody ordinarily have no reasonable expectation of privacy. Moreover, he said, statutes specifically prohibiting the recording of certain conversations of prisoners excluded prisoner-spouse conversations.

Mixed Verdict for Abortion Act

A woman may obtain an abortion legally during the first 20 weeks of pregnancy if it is performed by a licensed medical doctor in an accredited hospital. She need not obtain approval of a medical committee as required under the state's 1967 Therapeutic Abortion Act. This was the effect of a 4-3 decision written by

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Chief Justice Wright, with Justices Peters, Tobriner and Mosk concurring, announced on November 22nd.

The 1967 law provided that a doctor might perform an abortion within the first 20 weeks of pregnancy if it was done in an accredited hospital after approval by a hospital staff committee. To approve an abortion, the committee was required by the act to find that there was "a substantial risk that continuance of the pregnancy would gravely impair the physical or mental health of the mother" or that it resulted from rape or incest. In reviewing the case before it, in which Robert W. Barksdale was accused of having performed an illegal abortion the court decided that the words "gravely impair" were too vague as a standard and had in fact been interpreted many different ways among medical committees in different areas of the state. By 1970, the court noted, medical committees had "apparently despaired of comprehending the medical criteria" and were approving 99 percent of all applications. Other language in the act was also found to be too vague or confusing, and, having found the approval criteria useless, the court concluded that the review committees were useless, also. The court did uphold the requirement that abortions take place in accredited hospitals.

The minority opinion, written by Justice Burke, held that the language of the law was no more vague than the language used in many laws found to be valid, and that since the approval rate had become relatively uniform by 1970, there must have been general agreement as to the criteria. Burke also found merit in the use of medical committees to grant approval.

Other Actions

On November 9th, the court denied a petition filed by three law school graduates to abolish the bar examination as a requirement for practicing law. The three petitioners had failed the February 1972 examination. They were joined in the petition by eight organizations, including the NAACP and the Mexican-American Bar Association.

On the same day, the court announced that it would, in effect, grant a full hearing on the recommendations of the Commission on Judicial Qualifications that Los Angeles Municipal Court Judge Leland Geiler be removed from office. The charge against Geiler is that he used "vulgar behavior" and obscene language in an around the courtroom and that he improperly removed public defenders as defense counsel because they were not willing to enter guilty pleas for their clients as he asked them to do.

The court also denied a petition seeking review of a Court of Appeal decision that a prisoner's right to communicate with the press may be regulated in the interest of prison security and administration. The appellate court decision upheld a San Quentin regulation. "The regulation does not impose an unjustified general restriction on the interviews of all prisoners," said the court, but only in instances when necessary to guarantee a prisoner's right to a fair trial or to maintain prison security, discipline, and orderly administration of the institution.

Welfare *(Continued from page 355)*

with unemployment rates over six percent (*Brown v. Carleson*). And the state appears to have a good chance of winning the remaining six cases. As a result, only four of the 12 challenged sections of the law remain under court restraint, and the department has been able to partially carry out two of the four (step-father support and work-related expenses) under interim regulations. The remaining two provisions are the invalidated residency requirement and a provision relating to the amount of personal property a person may own and still qualify for welfare, which is partially enjoined by a preliminary injunction.

In June, Carleson summed up the record of litigation with evident pride in the department's record. "The delays have been costly and frustrating," he said, "but with a few exceptions the new law is now in operation substantially as agreed to by Governor Reagan and the Legislature almost a year ago."

Caseload decline

It is difficult to find anyone outside of the administration who agrees with the Department of Social Welfare's claims as to the effectiveness of the Governor's welfare reform program, yet the statistics themselves appear indisputable. (See table.) The AFDC family group caseload is down from a peak of 1,287,528 in May 1971 to 1,272,747 in September of this year; the AFDC unemployed father caseload is down from a peak of 342,763 in March 1971 to 184,996 in September; and the county general home relief caseload is down from its peak of 104,418 in February 1971 to 52,331. As a consequence of these declines in the major welfare caseload categories, which have been offset only in part by increases in other categories, total cash grant payments are now only slightly above the figures for early 1971 — for example, cash grants totalled $159.9 million in March 1971 and $161.9 million in September 1972. It is also significant that the average payments per recipient have increased in most cases. In April 1970, the average grant for OAS recipients was $109.27, in September 1972 it was $109.83; the average AFDC-FG payment rose from $54.85 to $61.59 during this period; and the average AFDC-U payment rose from $45.22 to $56.93.

All of this seems to bear out the administration's claims, yet critics point out that much of the reverse in caseload growth would have occurred without the reforms. The principal factor, they say, has been the improvement in economic conditions that has reduced California's unemployment rate (seasonally adjusted) from a high of 7.4 percent in March 1970 to 5.9 percent in September of this year. The decline in the total number of unemployed persons, they point out, corresponds closely with the decline in AFDC-U and general home relief caseloads, both of which can be expected to reflect employment conditions. (See table.) It could not be otherwise, these critics say, because the decline in caseloads was well under way while many of the administration's reforms were still blocked by the courts. "Governor Reagan's claim for credit is just a plain lie," Helen Little, chairman of the Northern California Welfare Rights Organization, told reporters in August.

This is nonsense, says Carleson, who notes that the Legislative Analyst has argued rather convincingly in the past that, despite an expansion of employment in relation to the population between 1960 and 1970, wel-

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fare caseloads in California and throughout the nation steadily increased (which was attributable in good part to the expansion of welfare programs during that period). The fact that caseloads are well below estimates of only a year ago, he says, is a direct result of the department's programs and policies, particularly those aimed at halting the growth of the AFDC-U caseload and the various anti-fraud measures adopted by the department, such as the state audits of eligibility determinations and implementation of the Earnings Clearance System. County general relief costs are down substantially, according to Carleson, because the state has raised its grants to the "truly needy" who previously received supplemental county aid and because the state has taken over responsibility for providing emergency aid to new applicants.

It is impossible at this point, of course, to match individual reform measures or changes in economic conditions with specific changes in welfare caseloads and costs. It is evident that the improvement in the job market over the last 18 months has had an important impact on the welfare caseload, and Carleson acknowledges that this is one of the objectives of the administration's policies. Yet it is also evident that the administration's critics cannot explain more than a part of the change in this way and that, in any case, they have been wrong in their estimates as to the probable growth in caseloads despite the reform programs. Therefore, the conclusion seems inescapable that the reform programs have had a very significant impact on welfare costs and caseloads in California and that the Reagan administration has to a large extent succeeded in the objectives the Governor announced 20 months ago. Specific reforms, in several cases, may not have produced all the promised results, but overall the result has been the same.

This is not very surprising to anyone who was familiar with the way welfare was managed before the reforms were initiated, says Carleson. "Welfare administration was such a mess," he said recently, "that any public manager who looked at it knew it had to get better." Carleson, who describes himself as a city manager by profession although he came to the welfare department from the Department of Public Works, seems to be convinced that effective management at the county and state level will continue to improve the system and preclude a repetition of the rapid cost increase of the 1960's.

He also seems to be convinced that management control must be retained in the hands of fiscal administrators rather than program specialists (*i.e.*, social workers), and it is for this reason that he prefers to work with county administrative officers rather than county welfare directors whenever possible. The department's relations with the counties generally appear to be improving from the low point they reached in 1970-71 when the department first began issuing a barrage of what seemed to county welfare directors to be conflicting and confusing regulations that threatened, they thought, to shift a larger share of the cost of welfare onto already overburdened county budgets. The counties still favor state administration (which the Governor adamantly opposes), but the fact that the cost shift did not occur and that many counties have been able to reduce their tax rates this year as a result, largely, of the easing of welfare costs has somewhat softened their criticism of the existing system.

With most of its reform proposals implemented, the department's principal project at present is the development and installation of a $4 million computerized data system to link all county welfare departments with the state department. Here, also, there is considerable difference of opinion as to how the system should be designed and used, but there is no disagreement over the need for a faster, more comprehensive data-gathering program.

The department is also devoting considerable attention to several of its anti-fraud programs, including

PUBLIC ASSISTANCE CASELOAD BY MAJOR CATEGORIES

	OAS	ATD	AFDC-FG	AFDC-U	General Home Relief	Total Caseload
1970						
Oct	319,557	181,962	1,210,027	242,357	96,525	2,088,214
Nov	319,838	182,409	1,219,247	261,178	97,545	2,127,778
Dec	321,713	184,889	1,238,422	295,628	100,985	2,189,480
1971						
Jan	322,693	186,413	1,263,620	323,433	103,085	2,247,516
Feb	323,045	187,928	1,256,909	324,870	104,418	2,245,293
Mar	323,642	189,754	1,285,466	342,763	103,149	2,293,280
Apr	323,399	190,307	1,286,419	330,257	87,586	2,266,808
May	322,346	190,148	1,287,528	313,124	86,954	2,161,631
Jun	319,518	189,564	1,263,135	293,685	85,856	2,200,441
Jul	318,692	189,757	1,267,123	272,988	81,916	2,187,396
Aug	318,201	190,289	1,287,560	257,436	84,915	2,186,460
Sep	317,672	190,922	1,293,021	248,838	58,077	2,155,565
Oct	317,350	191,538	1,283,632	237,642	56,367	2,133,694
Nov	315,462	191,441	1,273,253	231,916	57,886	2,117,067
Dec	315,368	191,188	1,271,309	236,244	57,267	2,118,639
1972						
Jan	314,064	192,817	1,272,908	233,149	58,176	2,118,333
Feb	312,489	193,465	1,281,326	244,116	58,529	2,136,802
Mar	312,383	195,503	1,296,750	250,459	58,099	2,161,050
Apr	310,972	196,635	1,295,524	242,867	54,773	2,147,976
May	310,257	199,710	1,289,884	230,241	55,240	2,132,949
Jun	308,256	198,841	1,274,373	212,463	53,990	2,095,543
Jul	307,669	199,905	1,271,976	200,436	53,264	2,088,537
Aug	306,743	201,577	1,276,991	193,066	54,037	2,078,650
Sep	305,208	201,574	1,272,747	184,996	52,331	2,062,411

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Summary of Major Class Action Challenges To Welfare Reform Provisions

Provision	Case	Court Actions	Current Status
Stepfather support. The community property share of a stepfather's income is to be considered to be available to the mother for support of non-adopted children (Section 8.6)	*Camp v. Carleson*	Preliminarily enjoined by the Sacramento Superior Court on October 19, 1971. On February 15, 1972, the court approved the provision. (In August, a temporary restraining order was issued by the superior court in response to an amended complaint concerning a portion of implementing regulations.)	Provision upheld, interim regulations in effect. (The amended complaint is still under submission in superior court.)
Confidentiality. Allows Director of Social Welfare to check employers' salary reports for Earnings Clearance System (Section 13).	*Golden Gate Welfare Rights Organization, Inc., v. Carleson*	Preliminarily enjoined by superior court. On May 25, 1972, the Third District Court of Appeal stayed the preliminary injunction and on August 1st ordered the superior court to enter a judgment for the defendant. Petition for Supreme Court hearing denied.	In effect.
Property. Authorizes use of the gross value of personal property, including household furnishings, in setting ceiling on property allowed (Section 24.2).	*Wheat v. Carleson*	A temporary restraining order was granted by the Los Angeles County Superior Court on February 11, 1972, and a preliminary injunction was granted on March 9th. The case is now on appeal to the Second District Court of Appeal.	Partially enjoined by preliminary injunction.
Residency. Imposes county residency requirement for AFDC-U eligibility where county unemployment rate reaches 6% (Section 24.65)	*Brown v. Carleson*	A summary judgment in favor of the plaintiffs was issued on February 15, 1972. Will not be appealed.	Invalidated.
Gross income limit. Makes any applicant with total gross income equal to 150% of needs standard ineligible for assistance. Requires federal waiver. (Section 25.2)	*Clifton v. Carleson*	Plaintiffs' motion for summary judgment denied by superior court on February 11, 1972. Plaintiff's counsel has agreed to dismiss the case with prejudice.	Not implemented pending action on federal waiver request.
Maximum grant. Establishes flat grant schedule for AFDC payments; provides that non-exempt income is to be deducted from grant schedule amount rather than from the needs standard (Section 28).	*Virginia Villa v. Hall*	This case went directly to the State Supreme Court. On September 28, 1971, the court issued a stay order blocking implementation of the new grant schedule. On December 6th, the court invalidated the provision regarding non-exempt income, requiring that it be deducted from the needs standard. But on April 11th, the U.S. Supreme Court stayed the California Supreme Court ruling and on June 6th vacated the state decision and remanded the case. On September 14th, the State Supreme Court ruled in favor of the state.	In effect.
Work-related expenses. Establishes maximum standard allowance for work-related expenses of $50 plus child care (Section 28.1).	*Conover v. Hall*	Preliminary injunction granted by the Sacramento Superior Court on October 8, 1972. On November 13th, the Third District Court of Appeal ruled that a standard deduction is not inconsistent with federal law. Plaintiffs are expected to petition the State Supreme Court for hearing.	Awaiting Supreme Court decision on hearing appeal.
Relatives responsibility. Raises the level of support required of the relatives of OAS recipients (Section 33).	*Dykstra v. Carleson*	The Sacramento Superior Court issued a temporary restraining order that was later stayed by the Third District Court of Appeal. On March 10th, the appellate court ruled in favor of the state. The State Supreme Court has accepted a petition for hearing and has the case under submission.	In effect.

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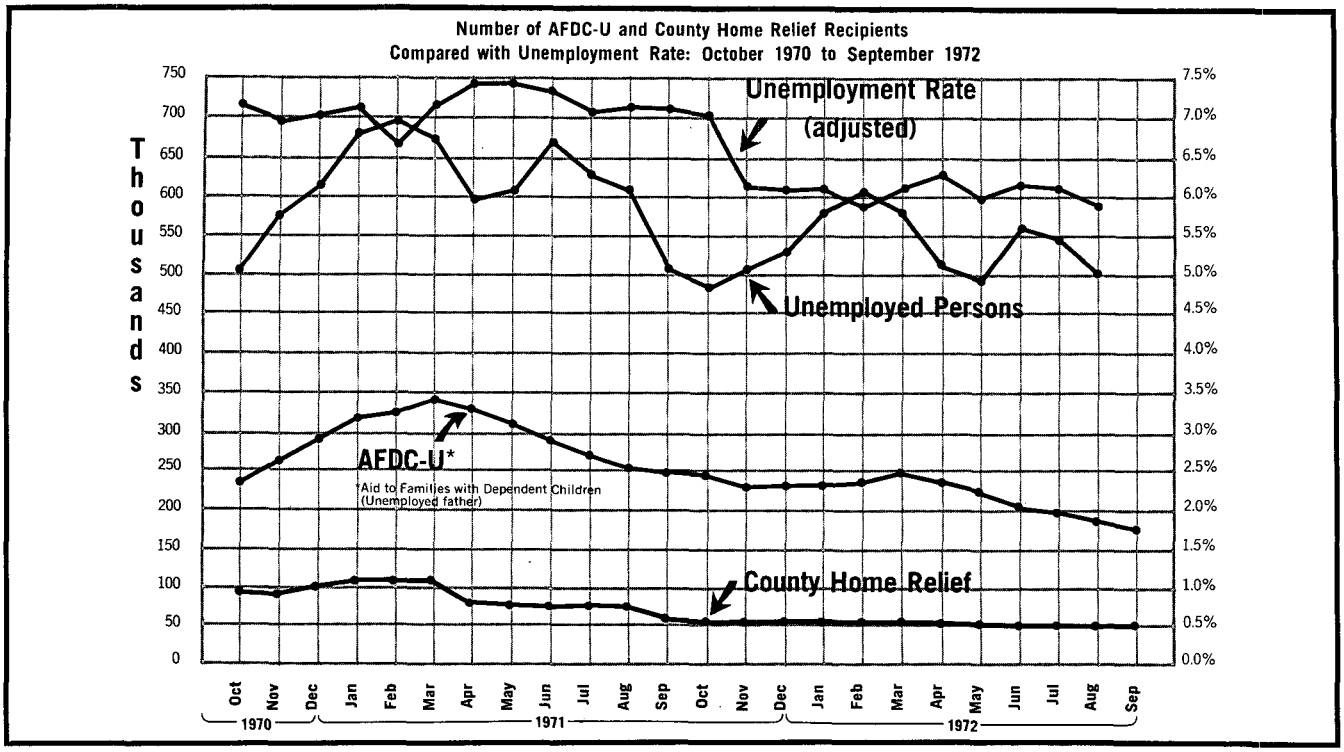

the Earnings Clearance System and efforts to encourage the counties to pursue absent fathers more vigorously. According to William Knudson, who is in charge of the absent father or Support Enforcement Incentive program, that effort has been expanded considerably because of a provision in the 1971 act allowing the state to pay back to the counties two-thirds of the state's share of overpayments recovered from absent fathers. Most, if not all, of this money, which amounted to nearly $2 million in the first seven months, is now being allocated by the counties to the child support units in their district attorneys' offices. These funds, together with some federal assistance, give the district attorneys at least $.20 out of every $1.00 recovered, says Knudson, which has permitted several domestic relations units to operate at a profit. Although he acknowledges that there are as yet no figures to measure the impact of this program, Knudson says that he expects the annual county grand jury audits of the child support operations this winter to show very substantial progress in recovering overpayments from absent fathers.

The Department of Social Welfare would like to start a similar program to recover OAS overpayments from relatives of beneficiaries. According to the department's chief counsel, James Moose, the total amount that relatives should be contributing to OAS beneficiaries but are not is a very large sum. The counties have no incentive at present to enforce contribution requirements, however, because they do not share in OAS grants and therefore recover nothing themselves when they collect for overpayments. The department is preparing legislation to permit it to make payments to the counties out of recovered OAS funds, but the passage of H.R. 1, the federal "reform" law, by Congress in October has made it unclear as to whether the relatives' contribution provision will be retained in the future.

As signed by the President on October 30th, H.R. 1 leaves the AFDC program essentially unchanged, but will make very substantial changes in public assistance for the aged, blind, and distabled (OAS, AB, ATD). Effective January 1, 1974, the federal government will take over the administration of these programs, setting national standards for federal payments and eligibility. The states will be encouraged to enter into agreements with the Social Security Administration for federal administration of the whole program, from eligibility determination through the issuance of checks to recipients. Under what is called the Supplemental Security Income Program, states like California that now grant more than the new federal standard will be able to supplement the basic federal grants to the level in effect in January 1972 with no increase in state costs. Subsequent payment increases, such as that announced last month, will have to be met by the state, however.

The principal incentive for state acceptance of federal administration is that it will eliminate that cost to the state and the counties — at least $15 million each. It is unclear, however, whether the state will be able to establish eligibility and contribution standards of its own if it does opt for direct federal administration rather than contracting to administer its own supplemental program. This is why the Department of Social Welfare is uncertain as to whether there will continue to be a relatives' responsibility provision for OAS after next year.

According to the American Public Welfare Association, the conversion of the existing adult assistance programs to the new federal program will be "an undertaking of vast proportions and complexities". At one point following passage of the new law, the Reagan administration was concerned that the new legislation might cost the state at least $200 million per year in increased welfare and Medi-Cal costs. These fears have now been largely allayed, although it appears that the state may have to pay the full costs of all increases in OAS benefits granted after this past January, which now amount to $12 per recipient, on top of current state costs.

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PEOPLE IN THE NEWS

Governor Reagan's special assistant for community relations, **Robert J. Keyes,** 36, has resigned in order to become corporate director for urban affairs with the Lockheed Aircraft Corporation. The only black member of Reagan's staff, Keyes has served since 1967 as the Governor's liaison with minority communities in the areas of labor relations, housing, race relations, and anti-poverty programs. Keyes, a former professional football player, joined the Reagan administration in 1966 as special assistant to the Secretary of Business and Transportation.

Succeeding William C. Hern as director of the Department of Industrial Relations (see **California Journal,** June-July 1972, p. 203) is **H. Edward White,** 55, a former agent with the Federal Bureau of Investigation. White, a Republican, was most recently personnel director of a Glendale firm that manufactures oil field equipment. As California's Director of Industrial Relations, his responsibility will be the administration and enforcement of state labor laws, apprenticeship programs, and fair employment practices.

Another new appointee in the Department of Industrial Relations, **Robert E. Howard,** 52, was named by the Governor to head the department's Division of Labor Law Enforcement. A Republican, Howard succeeds former Assemblyman George Milias, who resigned recently (see **California Journal**, August 1972, p. 240). Howard has directed the Department of Rehabilitation since April 1967, when he left his position as budget director of Los Angeles County. Replacing Howard as Director of the Department of Rehabilitation is **Alan C. Nelson,** 39, an assistant director of the Department of Human Resources Development since 1969. Nelson, a former deputy district attorney for Alameda County, served as director of HRD's legal staff and was in charge of the department's Equal Employment Opportunity Unit and the Investigation Section.

Dr. William E. Mayer, 49, chief deputy director of the department of Mental Hygiene since 1971, was appointed last month to serve as interim director of the department until it is merged into the new Department of Health next July. Mayer succeeds **Dr. James M. Stubblebine,** who resigned in order to direct the Office of the Department of Health Planning. Stubblebine will become Director of the Department of Public Health in July.

State **Senator Alan Short** announced last month that he will retire from the Legislature when his current term expires in 1974. Short, a Democrat representing Sacramento and San Joaquin Counties, will rank third in seniority when he begins his 19th year in the Senate at the start of the 1973 session.

Another indication of things to come in the 1974 election was given last month by **John G. Veneman,** undersecretary of the federal department of Health Education, and Welfare. "I don't like to put a date on it, but my inclination is to leave the department in a reasonably short period of time," Veneman said at a news conference in Sacramento. He indicated he would be interested in the Republican nomination for Lieutenant Governor.

On November 22nd, Governor Reagan announced the appointment of **Robert H. Meyer,** 41, as chief deputy director of Parks and Recretation. Meyer, who succeeds Ray B. Hunter, has been deputy director of the department since July 1969. Replacing him will be **William S. Briner,** 45, chairman of the Placer County Board of Supervisors and a member of the state Transportation Board.

Assemblyman **Frank P. Belotti,** 74, died last month after a long illness. A Republican from Humboldt County, Belotti did not seek reelection this year. The former mink farmer had served 22 years in the Assembly.

"I'm going to get out of this malignancy that is state government," said the state's Auditor General, **William H. Merrifield,** 65, after he was fired by the Joint Legislative Audit Committee last month. The committee at the same time ordered the reorganization of the Auditor General's Office and an increase in his staff. Assemblyman Vincent Thomas, chairman of the audit committee, had been highly critical of Merrifield's work and said that his office did not have enough impact on the workings of state government to justify its $850,000 annual budget.

The Board of Governors of the State Bar has appointed **Richard R. Rogan,** a Burbank attorney, to the California Judicial Council. Rogan replaces **William B. Enright,** who was recently appointed by President Nixon to the United States District Court in San Diego. A former chief deputy attorney general of California during the Brown administration, Rogan will fill Enright's term on the 21-member council through January 31, 1974.

Melvin B. Lane, chairman of the San Francisco Bay Conservation and Development Commission since it was created in 1965, announced his resignation last month. "I have thoroughly enjoyed my seven years in this capacity," Lane wrote Governor Reagan, "but I think the time has come to turn the job over to someone else."

New appointments in the state Department of Consumer Affairs: **John W. Gill,** 29, executive secretary of the Cemetery Board, to replace retiring **James A. Lahey; David E. Hanson,** 33, deputy chief of the Bureau of Furniture and Bedding Inspection; **William James,** 33, deputy chief of the Bureau of Employment Agencies, to replace **Timothy Cole,** who was named assistant legislative secretary to Governor Reagan; and **Robert Powell,** executive secretary of the new Advisory Committee on Dental Auxiliaries.

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Selected State Government Reports

ENVIRONMENT

The California State Water Project in 1972; by the Department of Water Resources. Bulletin No. 132-72. June 1972. 172 p. Copies available for $5.00 plus tax from: State of California, Documents Section, P.O. Box 20191, Sacramento 95820.

California's Electricity Quandary: I. Estimating Future Demand; prepared for the Resources Agency of California with support from the National Science Foundation, by W. E. Mooz and C. C. Mow of the Rand Corporation, Santa Monica 90406. September 1972. 60 p. Estimates the future demand for electricity in the state on the basis of a variety of alternative assumptions.

California's Electricity Quandary: II. Planning for Power Plant Siting; prepared for the California State Assembly, with support of the National Science Foundation, by R. H. Ball, R. G. Salter and others of the Rand Corporation, Santa Monica 90406. September 1972. Examines and evaluates alternative siting options for power plants in the state and the need for a power plant siting agency.

California's Electricity Quandary: III. Slowing the Growth Rate; prepared for the California State Assembly, with support of the National Science Foundation, by R. D. Doctor, K. P. Anderson and others of the Rand Corporation, Santa Monica 90406. September 1972. 141 p. Analyzes the effectiveness and impact of policies for slowing the growth in consumption of electricity in the state.

Southern California's Deteriorating Marine Environment: An Evaluation of the Health of the Benthic Marine Biota of Ventura, Los Angeles and Orange Counties; by Rimmon C. Fay, in association with Eugene D. Michael, James A. Vallee and Genevieve B. Anderson, published by the Center for California Public Affairs, 226 W. Foothill Blvd., Claremont 91711. ($3.50) November 1972. 76 p. Prepared for the Southern California Association of Governments' Regional Coastline Planning Program.

REHABILITATION SERVICES

Estimating Need for Rehabilitation Services; by Susan Shea Ridge, published by the Institute of Urban & Regional Development, University of California, Berkeley 94720. August 1972. 52 p.

An Overview of the "Rehabilitation System": An Attempt to Outline Federal and Private Program Activity and Resource Flows Directed Toward the Disabled; by Thomas MacRostie, published by the Institute of Urban & Regional Development, University of California, Berkeley 94720. June 1972. 35 p.

Identifying and Investigating Resource Allocation Problems in a State Rehabilitation Agency; by Lawrence W. Kozimor, published by the Institute of Urban & Regional Development, University of California, Berkeley 94720. July 1972. 15 p.

Indices of Cost, Output, and Productivity for Use in Evaluation Rehabilitation Services Programs; by David E. Serot, published by the Institute of Urban & Regional Development, University of California, Berkeley 94720. August 1972. 20 p.

Central Policy Issues for the Evaluation of Sheltered Workshops; by Joel Markowitz, published by the Institute of Urban & Regional Development, University of California, Berkeley 94720. July 1972. 39 p. Explores policy issues relating to the role of workshops and facilities in vocational rehabilitation programs.

MISCELLANEOUS

Touring Art Exhibitions: The California Experience; by the California Arts Commission, 808 O Street, Sacramento 95814. October 1972. 32 p.

Report of Registration, State of California, September 1972; by Edmund G. Brown Jr., Secretary of State, State Capitol, Sacramento 95814. 104 p. A preliminary report on voter registration as of September 14, 1972.

'Evaluation of Local Mental Health Programs — A Plan'; by the Department of Mental Hygiene, 744 P Street, Sacramento 95814. June 30, 1972. Objective of the plan is to determine "the value and effectiveness of mental health services provided to Californians."

Mathematics Improvement Programs — Summary Report 1968-1971; by the Department of Education, 721 Capitol Mall, Sacramento 95814. 1972. 7 p. A report to the state Legislature as required by Education Code Section 5799.4.

Evaluation of the Self-Pronouncing Alphabet (S.P.A.); by the Department of Education, 721 Capitol Mall, Sacramento 95814. October 1972.

The California Master Plan for Higher Education in the Seventies and Beyond: Report and Recommendations of the Select Committee on the Master Plan for Higher Education to the Coordinating Council for Higher Education; published by the council, 1020 12th St., Sacramento 95814. Council Report 12-6, November 1972. 140 p. Recommendations for updating California's 1960 Master Plan for Higher Education by a special committee appointed by the Coordinating Council in May 1971.

Weighting the Scales Against Tax Reform: The Two-Thirds Vote Rule; by Richard Budnick, Project Loophole. October 1972. 24 p. Recommends that the Legislature reduce from ⅔ to a simple majority the legislative vote for taxing banks, corporations and insurers, passing the annual state budget and appropriation bills, and for personal property tax exemptions.

Report of the Don Lugo Investigation; by the Office of the Attorney General. May 8, 1972. An investigation of the Work Furlough Program and other activities at the Don Lugo Community Center. The report concludes that "the conduct of the Don Lugo Work Furlough Program represents . . . a massive failure in management" and that "criminal activities abounded on the grounds of the camp itself with impunity, even after detection by the staff." Copies of the report were released to the press by Senator H. L. Richardson, but apparently are not available to the general public.

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VOTING RECORDS

Listed below are the votes of Senators and Assemblymen on the major roll calls in the Legislature through this month and a brief summary of the issues under consideration. Votes selected for inclusion are on issues of major importance to Californians as a whole or issues on which there is a major division of opinion, or both.

Y—Yes *—Absent or Not Voting
N—No

⅔ vote required for urgency measures, constitutional amendments, appropriation bills.

Assembly: 41 votes required for passage of bills requiring majority vote. ⅔ = 54 votes.

Senate: 21 votes required for passage of bills requiring majority vote. ⅔ = 27 votes.

SENATE

November 8th to 15th

SB 9 (Mills) — Would have the effect of decreasing by ½ percent the price of gasoline by removing the sales tax on a tax enacted in 1971. Attempted override of Governor's veto failed 20-16.

SJR 20 (Dymally) — Ratifies 27th Amendment to U.S. Constitution, guaranteeing equal rights for men and women. Adopted 29-9.

SB 90 (Dills) — Major school finance measure. Would increase state sales tax by 1 percent and make approximately $900 million available for school support and property tax relief. Senate refuses to concur in Assembly amendments, 25-14.

AB 384 (Maddy) — Would allow state college student body membership fees to to be used for the support of student lobbying and governmental affairs representatives. Passed 23-6.

SB 837 (Dymally) — Authorizes Fair Employment Practice Commission to bring civil action to stop unlawful employment practices and to initiate investigations of unlawful practices in employment and housing instead of acting only upon the filing of a complaint by an aggrieved individual. Passed 22-6.

AB 1864 (Ketchum) — Increases penalties for first and second convictions of driving under the influence of alcohol or drugs. Requires mandatory jail sentence of from one day to six months as well as fine ranging from $250 to $500 for first offense conviction. Failed 18-5.

SB 1274 (Rodda) — Major school finance measure. Would provide approximately $350 million in new school funding to be financed through federal revenue-sharing funds and surplus monies from state General Fund. Passed 26-4.

November 16th to 22nd

SB 128 (Alquist) — Limits campaign spending for state partisan offices and federal legislative offices, and requires records of campaign expenditures to be kept. Failed 14-17.

SB 584 (Petris) — Requires counties to pay additional allowances to welfare recipients for unmet shelter needs, but requires the state to pay the total non-federal cost. Passed 22-10.

SB 445 (Bradley) — Limits charitable property tax exemption for property used for housing and care of aged persons to $5,000 per unit of occupancy except for portions of property used for housing and care of aged persons subsisting on social security, welfare or both. Failed 5-23.

SB 1062 (Carpenter) — Creates California Power Advisory Commission to study the state's electrical power generating capacity and make recommendations to meet present and projected demands for electrical power consumption. Failed 10-17.

SENATE Republicans 19	SB 9	SJR 20	SB 90	AB 384	SB 837	AB 1864	SB 1274	SB 128	SB 584	SB 445	SB 1062	AB 1283	AB 1710	AB 2167
Behr	N	Y	Y	Y	Y	*	Y	Y	Y	N	N	*	Y	N
Biddle	N	Y	Y	Y	N	Y	Y	N	N	N	*	N	*	*
Bradley	N	N	N	N	N	Y	N	N	N	Y	N	N	N	N
Burgener	N	Y	Y	*	*	*	*	*	*	*	*	N	*	N
Carpenter	N	Y	Y	*	N	Y	*	N	N	Y	Y	N	N	N
Coombs	N	N	Y	N	*	*	*	*	*	*	*	N	N	N
Cusanovich	N	Y	Y	*	Y	*	Y	N	N	N	N	N	Y	N
Deukmejian	N	Y	Y	Y	N	N	Y	Y	N	N	Y	*	*	N
Grunsky	N	Y	Y	Y	Y	Y	Y	N	Y	N	*	Y	Y	N
Harmer	N	N	Y	*	*	*	*	*	*	*	*	N	N	*
Lagomarsino	N	N	Y	Y	Y	Y	N	N	N	N	Y	N	N	*
Marks	Y	Y	N	Y	Y	*	Y	Y	Y	N	Y	N	Y	Y
Marler	N	Y	Y	Y	*	*	N	*	N	Y	Y	N	N	N
Nejedly	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
Richardson	*	N	N	N	N	Y	N	N	*	*	N	*	N	N
Schrade	N	*	Y	N	Y	Y	Y	N	N	N	N	N	Y	N
Stevens	Y	Y	Y	Y	*	Y	Y	N	N	N	*	N	N	N
Way	N	Y	N	Y	Y	*	Y	N	Y	*	*	Y	N	N
Whetmore	N	N	Y	N	N	Y	Y	N	N	N	Y	N	N	N

Democrats 20	SB 9	SJR 20	SB 90	AB 384	SB 837	AB 1864	SB 1274	SB 128	SB 584	SB 445	SB 1062	AB 1283	AB 1710	AB 2167
Alquist	Y	Y	N	Y	Y	*	Y	Y	Y	N	N	Y	Y	Y
Beilenson	Y	Y	N	Y	*	*	Y	Y	Y	Y	N	Y	Y	Y
Collier	Y	N	Y	Y	Y	Y	Y	N	Y	N	N	Y	Y	Y
Dills	Y	Y	Y	N	Y	N	Y	N	Y	N	Y	Y	Y	Y
Dymally	Y	Y	N	*	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Gregorio	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Holmdahl	Y	Y	Y	Y	*	*	*	Y	Y	Y	Y	N	Y	Y
Kennick	*	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	*	*
Mills	Y	N	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
Moscone	Y	Y	N	*	Y	*	Y	Y	Y	N	N	Y	Y	Y
Petris	Y	Y	N	Y	Y	Y	Y	Y	Y	N	*	Y	Y	Y
Roberti	Y	Y	N	Y	Y	*	*	Y	Y	N	N	Y	Y	Y
Rodda	Y	Y	N	Y	Y	Y	Y	Y	Y	N	*	Y	Y	Y
Short	Y	Y	Y	*	*	*	*	N	Y	*	N	Y	*	Y
Song	Y	Y	Y	Y	Y	N	*	*	*	*	*	Y	*	Y
Stiern	Y	Y	N	Y	Y	*	Y	*	*	*	*	Y	Y	Y
Teale	Y	N	N	*	*	*	*	*	*	*	*	Y	Y	Y
Walsh	Y	Y	Y	*	*	N	Y	*	Y	*	N	Y	*	Y
Wedworth	*	Y	Y	*	*	Y	Y	N	Y	*	N	Y	Y	Y
Zenovich	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	Y	Y

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AB 1283 (L. F. Greene & Arnett) — Major school finance measure. Would provide approximately $575 million in new school funding to be financed through federal revenue-sharing funds and surplus monies from the state General Fund. Contains no tax increase. Prescribes system of property tax revenue controls for school districts, and specifies system whereby school districts set local tax rates. Passed 21-15.

AB 1710 (Brown) — Extends protective labor laws, now applicable only to women and minors, to men, except for weightlifting standards and maximum hours provisions. Passed 21-11.

AB 2167 (Burton & Brown) — Specifies that a minor who is in the custody of a peace officer has the right to have parent or guardian present during any interrogation. Failed 20-15.

ASSEMBLY

November 8th to 15th

AB 1541 (Sieroty) — Requires county health departments to make family-planning information available in Spanish in counties with significant Spanish-speaking populations. Attempted override of Governor's veto failed 41-21.

SJR 20 (Dymally) — [See description under Senate votes.] Adopted, 54-16.

AB 680 (Burton) — Provides that any lump-sum payment to a welfare recipient granted retroactively is exempt from consideration as income or personal property. Attempted override of Governor's veto failed 33-11.

AB 1681 (Crown) — Requires California to continue existing welfare benefits to persons receiving aid to the aged, aid to the blind, and aid to the needy disabled, even though minimums may be established by federal law. Attempted override of Governor's veto failed 47-13.

November 16th to 22nd

AB 2124 (Vasconcellos) — Authorizes school districts to initiate and carry on any program, activity, or action not in conflict with state law or the purposes for which school districts were established. Codifies Proposition 5 on the November ballot, approved by voters. Passed 48-8.

SB 823 (Dills) — Would allow surviving spouse to receive one-half of retirement allowance applicable to the spouse of a Legislator credited with 20 years or more of service at the time of retirement, regardless of the date of retirement. Passed 41-8.

SB 175 (Carpenter) — Provides for the assessment as open-space land of land subject to a wildlife habitat contract restricting the use of land to wildlife habitat and livestock pasture. Passed 51-12.

SB 107 (Behr) — Establishes system of California Wild and Scenic Rivers, consisting of Klamath, Trinity, Eel, Smith, and American Rivers systems. Prohibits construction of dams, reservoirs, or other water-impoundment structures on suc rivers. Passed 50-20.

ASSEMBLY Republicans 35	AB 1541	SJR 20	AB 680	AB 1681	AB 2124	SB 823	SB 175	SB 107
Arnett	*	Y	*	Y	Y	Y	Y	Y
Badham	*	Y	N	N	N	Y	Y	N
Bagley	*	Y	Y	*	Y	*	Y	Y
Barnes	N	N	*	*	*	Y	*	N
Belotti	*	*	*	*	*	*	*	*
Beverly	*	Y	*	N	Y	Y	Y	Y
Briggs	N	Y	*	N	*	Y	Y	Y
Brophy	*	*	*	*	N	*	*	*
Burke	N	N	N	N	N	N	*	N
Campbell	N	Y	*	*	*	*	*	Y
Chappie	N	Y	Y	Y	*	*	Y	Y
Cline	*	Y	*	*	Y	Y	Y	Y
Collier	N	N	N	N	N	Y	N	N
Conrad	N	N	N	N	*	*	Y	N
Dent	N	N	N	N	Y	Y	N	N
Duffy	N	Y	Y	Y	*	*	*	*
Hayden	N	Y	*	Y	Y	*	Y	Y
Johnson, R.	*	Y	*	Y	Y	*	Y	N
Ketchum	N	Y	Y	Y	*	*	*	*
Lancaster	N	N	N	N	Y	*	Y	*
Lanterman	*	N	N	N	N	*	Y	N
Lewis	N	*	*	N	Y	Y	Y	Y
MacGillivray	N	N	N	N	Y	Y	Y	N
Maddy	Y	Y	Y	Y	Y	Y	Y	Y
Mobley	*	Y	Y	Y	Y	*	Y	N
Monagan	N	Y	*	*	Y	*	Y	*
Moorhead	N	*	*	*	N	N	Y	Y
Murphy	*	*	*	*	N	N	N	Y
Priolo	*	Y	*	Y	*	*	N	Y
Russell	N	N	N	*	Y	N	Y	Y
Seeley	N	N	N	N	Y	Y	Y	N
Stacey	*	Y	N	N	Y	Y	Y	N
Stull	N	N	*	*	*	*	Y	N
Wakefield	N	N	*	*	N	N	Y	N
Wood	Y	Y	*	Y	*	Y	Y	Y

Democrats 43	AB 1541	SJR 20	AB 680	AB 1681	AB 2124	SB 823	SB 175	SB 107
Bee	N	Y	Y	Y	*	*	*	*
Brathwaite	Y	Y	*	Y	Y	Y	*	Y
Brown	Y	Y	*	Y	Y	Y	Y	Y
Burton	Y	*	Y	Y	Y	Y	*	Y
Chacon	Y	Y	*	Y	*	*	*	*
Cory	Y	Y	Y	Y	Y	*	Y	Y
Crown	Y	Y	Y	Y	Y	Y	Y	Y
Cullen	Y	Y	*	Y	Y	Y	Y	N
Davis	*	Y	Y	Y	*	Y	Y	Y
Deddeh	Y	Y	Y	Y	Y	N	Y	Y
Dunlap	Y	Y	Y	Y	Y	*	N	Y
Fenton	Y	Y	Y	Y	Y	*	Y	Y
Fong	Y	Y	Y	Y	Y	Y	Y	Y
Foran	Y	N	Y	Y	Y	Y	Y	Y
Garcia	Y	Y	Y	Y	Y	Y	Y	Y
Gonsalves	Y	Y	Y	*	Y	Y	Y	N
Greene, B.	Y	Y	Y	Y	Y	Y	Y	Y
Greene, L.	*	Y	Y	Y	*	Y	*	Y
Johnson, H.	Y	Y	*	Y	*	Y	N	Y
Karabian	Y	Y	*	Y	Y	Y	Y	Y
Keysor	Y	*	Y	Y	Y	Y	Y	Y
Knox	Y	Y	Y	*	Y	Y	Y	Y
LaCoste	Y	Y	Y	*	Y	Y	Y	Y
MacDonald	Y	Y	*	Y	Y	Y	Y	Y
McAlister	Y	N	Y	Y	Y	Y	Y	Y
McCarthy	Y	N	Y	Y	Y	*	Y	Y
Meade	Y	Y	Y	Y	Y	*	N	Y
Miller	Y	Y	*	Y	*	Y	N	Y
Moretti	Y	Y	*	Y	Y	*	Y	Y
Pierson	Y	Y	*	*	*	*	*	Y
Porter	Y	Y	Y	Y	Y	Y	Y	N
Powers	Y	Y	Y	*	Y	Y	Y	N
Quimby	*	Y	Y	Y	*	Y	Y	N
Ralph	Y	N	*	Y	Y	Y	Y	Y
Ryan	Y	*	*	Y	*	*	*	Y
Sieroty	Y	Y	Y	Y	Y	*	N	Y
Thomas	Y	Y	Y	Y	Y	Y	Y	N
Townsend	Y	Y	Y	Y	*	*	Y	Y
Vasconcellos	Y	Y	*	Y	Y	N	N	Y
Warren	Y	Y	*	Y	Y	*	Y	Y
Waxman	Y	Y	*	*	*	Y	*	Y
Wilson	Y	Y	Y	Y	Y	N	N	Y
Z'berg	Y	Y	*	Y	Y	Y	N	Y

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LETTER FROM WASHINGTON
By Lou Cannon

The spear-carrier's burden

Nov. 25, 1972

They gave a farewell party the other day for Tom Gallagher, a 28-year-old Los Angeles lawyer who spent the last two years as a legislative assistant to Senator John V. Tunney. Gallagher is returning to a prestigious law firm in Los Angeles and to an existence likely to be more profitable and less interesting than his Washington service. He is, in a way, one of the lucky ones, because he is getting out of government before the glamour has worn off and also because he accomplished something while he was here. In the shadowy and uncertain world inhabited by congressional staff members, Gallagher was well regarded by his peers. He wrote a provocative report on El Paso Natural Gas' northwest pipeline deal and an important report on the ITT case. Gallagher will be missed by Tunney, though the Senator has other good staff members around.

The farewell party for Gallagher was celebrated a week after the national election. Five California legislators were elected to the House of Representatives in that election, joining 16 other California ex-legislators who were re-elected. One wonders what will become of the new ones. The Congress is a normal object of ambition for any legislator, and California sends many of its best legislators, plus some who merit other descriptions, to the House. They drop out of sight, most of them, responding to constituent mail and plodding their way hat-in-hand through the committee system while working year-round for their own re-election. My first interview in Washington in 1969 was with Charley Gubser, a savvy House member who after a decade and a half in Congress looked back with fond memories on the role he had played carrying the Warren administration's water bill during his single term in the Assembly. Since that interview, Gubser has risen far enough in the hierarchial structure of the Armed Services Committee so that he has on occasion performed an important role — he was, for instance, the man who persuaded the committee to make public its findings on the My Lai massacre — but it is a commentary on the system in which Gubser functions that he remembers the success of a single term in Sacramento. In the long run, Congress accomplishes more than the state legislatures do, and many of its members are persons of immense capability. But the role that almost every individual House member plays is less, far less, than that played by his California legislative counterpart.

* * *

So one thinks of Clair Burgener, the classic progressive Republican ("conservative on fiscal affairs and liberal on human ones") who was so highly regarded by his Sacramento colleagues. Or of Leo Ryan, whose knowledge of education was put to far wider use in the Assembly than it is likely to be in the House for many years. They face a long tough climb to positions of committee responsibility, and Burgener is 51 years old, Ryan 47. It is a climb that may be marginally quicker because of the bipartisan House reforms of the past two years — but only marginally. With few exceptions, the California expatriates who have contributed the most in Washington without a long apprenticeship have been those, such as Jack Veneman or Caspar Weinberger, who moved directly into the executive branch. There are, in truth, few shortcuts in Congress. Californians like Jerry Waldie or Pete McCloskey have made their mark within a few years, but they have done it largely outside the congressional system.

Spending the prime of one's life as an unknown spear-carrier is devastating to the ego of the normal, reasonable politician, an insight expressed humorously by former California legislator Tom Rees when he cracked that Howard Hughes had been hiding out for the past 10 years as a member of the California House delegation. Anonymity permits a few congressmen to escape public notice of their screwups, but it has the corollary and more damaging effect of depriving them of public credit for their accomplishments. This combination of low visibility and insufficient opportunity for achievement makes it easier for congressmen to lapse into cynicism, cronyism, hard drinking, or worse. Only a few have the tenacity, the skill and the luck to chart a 20-year course through the system and arrive at their goals with their abilities reasonably intact. A few, a very few, escape to the Senate or to a responsible position in the executive branch. Most do not escape at all. They remain in Congress, drawing their pay and their redistricting boundaries, attending their clubs or traveling abroad, while the gnawing knowledge grows within them that Congress is not what it was cracked up to be.

* * *

Staff members also wither on Capitol Hill, but the process of their destruction is different. Those bright young men and women who hitch themselves to a star that never really rises or to one that too quickly sets find, after a few exciting years, that they are too old or too comfortable or too unsure of themselves to finish college, practice law, go back to newspaper work, or tell their bosses to stick their jobs where they best belong. Some staff members also escape to the Senate, which is less for a staff member than a Senator, or to the executive branch. But most of them are always faced with the might-have-beens of another life. At least a congressman who is young enough and temperamentally equipped for the long haul has the prospect of a committee chairmanship awaiting him. Staff members, on the other hand, must make their mark quickly and get out if they are not to be trapped by the system. The few truly happy, lucky ones leave after accomplishing something and with good feelings about their bosses and the people with whom they worked.

Tom Gallagher is one of these people and it was sad for those of us who know him to see him go back to California, but it was also good to see him go. Life may be duller in Los Angeles, but he will never have to wonder about what it would have been like to practice law. Those California legislators who are coming to Washington may find that the magic has worn off long before they have a chance to make their mark.

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There aren't any embarrassing questions -- just embarrassing answers.

-- Carl Rowan

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